

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Nineteenth Legislative Assembly In Regular Session

Held at Helena, the seat of Government of Said State, commencing
January 5th, 1925, and Ending March 5th, 1925.

With Appendix of Constitutional Amendments, Initiative and Referendum
Measures Voted upon by the People at the General
Election Held November 4th, 1924

PUBLISHED BY AUTHORITY



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CERTIFICATE OF AUTHENTICATION.

State of Montana }
Department of } ss.
Secretary of State.

I, C. T. Stewart, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed at the Nineteenth Regular Session of the Legislative Assembly of the State of Montana, held at Helena, the seat of Government of said State, commencing January 5th, 1925, and concluding March 5, 1925, and, in addition, true and correct copies of all Constitutional Amendments, Initiative and Referendum measures adopted by the people of Montana at the General Election, held November 4th, A. D. 1924.

Great Seal
of the State
of Montana

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this 1st day of May, A. D. 1925.



Secretary of State.

OFFICERS AND MEMBERS

OF THE

19th Legislative Assembly of the State of Montana

Governor, J. E. ERICKSON

Lieutenant Governor and President of the Senate, W. S. McCORMACK

Speaker of the House, R. C. BRICKER

STATE SENATORS

NAME	Residence	County	Politics
*Adams, W. K.	Sidney	Richland	Republican
Brownlee, Robert	Big Timber	Sweetgrass	Republican
Buttelman, Wm. H.	Willow Creek	Gallatin	Democrat
Corrington, G. H.	Ryegate	Golden Valley	Republican
Church, Ray	Helena	Lewis & Clark	Democrat
*Clark, T. L.	Sweet Grass	Toole	Democrat
*Conser, C. C.	Plevna	Fallon	Republican
*Cooper, George R.	Haugan	Mineral	Republican
Cowan, William T.	Box Elder	Hill	Republican
Delaney, F. W.	Terry	Prairie	Democrat
*Dell, Frederick T.	Joplin	Liberty	Democrat
*Demel, C. W.	Billings	Yellowstone	Democrat
*Dowlin, Charles M.	Forsyth	Rosebud	Republican
*Duncan, M. M.	Virginia City	Madison	Democrat
*Garber, J. D.	Plains	Sanders	Democrat
Gilboe, Christian F.	Valier	Pondera	Republican
Green, John A.	Vida	McCone	Democrat
Greenup, L. F.	West Fork	Daniels	Republican
Griffin, James	Chinook	Blaine	Republican
Hazelbaker, Frank A.	Dillon	Beaverhead	Republican
Henderson, W. C.	Jordan	Garfield	Republican
*Kane, Thomas	Corvallis	Ravalli	Republican
*Leighton, Dr. I. A.	Boulder	Jefferson	Republican
*Leuthold, J. H.	Columbus	Stillwater	Republican
Linn, C. A.	White Sul. Sprgs.	Meagher	Republican
McCabe, F. A.	Blackfoot	Glacier	Republican
McCone, George	Burns	Dawson	Republican
McCormick, F. T.	Roundup	Musselshell	Republican
*McQuitty, I. S.	Harlowton	Wheatland	Democrat
*Mears, John L.	Geyser	Judith Basin	Republican
*Muffly, Chas. S.	Winston	Broadwater	Democrat
*Oliver, John	Ekalaka	Carter	Republican
*Page, John R.	Phillipsburg	Granite	Democrat
Paul, W. J.	Deer Lodge	Powell	Republican
*Pauline, Robert	Kalispell	Flathead	Republican
*Peck, Chas. V.	Danvers	Fergus	Republican
Peden, W. A.	Hardin	Big Horn	Republican
*Peterson, Peter	Glasgow	Valley	Democrat
*Pomeroy, H. G.	Eureka	Lincoln	Republican
*Porter, S. H.	Big Sandy	Choteau	Democrat
*Rhoads, Harmon T.	Choteau	Teton	Republican
Schellenger, Guy			
Scofield, John L.	Biddle	Powder River	Republican
Shelver, Harry M.	Livingston	Park	Republican
Schnitzler, J. W.	Froid	Roosevelt	Republican
Smith, H. C.	Miles City	Custer	Republican
*Speer, J. W.	Great Falls	Cascade	Republican
Spencer, J. T.	Bridger	Carbon	Republican
Stewart, T. P.	Anaconda	Deer Lodge	Republican
*Staggs, W. L.	Wibaux	Wibaux	Republican
Survant, John	Malta	Phillips	Republican
Swift, Chas. R.	Hysham	Treasure	Republican
*Taylor, Chas. E.	Plentywood	Sheridan	Farmer-L.
Tower, Ralph R.	Polson	Lake	Republican
*Walker, T. J.	Butte	Silver Bow	Democrat
*Watson, Burton	Missoula	Missoula	Democrat

*Holdovers. Elected in 1922.

FRANK CONE, Secretary.

House of Representatives—19th Assembly, 1925

NAME	Residence	County	Politics
Akofer, Chas. A.	Valier	Pondera	Democrat
Ainsworth, A. S.	Thompson Falls	Sanders	Republican
Anderson, Parker T.	Twete	Blaine	Democrat
Andrus, W. W.	Miles City	Custer	Republican
Beadle, M. Kerr	Butte	Silver Bow	Democrat
Bergstrom, Theo. R.	Willard	Fallon	Democrat
Berryman, John J.	Billings	Yellowstone	Republican
Besancon, Albert	Missoula	Missoula	Democrat
Brandt, N. J.	Whitewater	Phillips	Republican
Bricker, R. C.	Windham	Judith Basin	Republican
Budas, Albert	Roberts	Carbon	Republican
Burns, Harry L.	Harlem	Blaine	Republican
Caplis, John J.	Butte	Silver Bow	Democrat
Campbell, John L.	Missoula	Missoula	Republican
Castles, William	Superior	Mineral	Republican
Clarke, W. E.	Forsyth	Rosebud	Republican
Cusick, W. M.	Kalispell	Flathead	Democrat
Davis, Glenn T.	Carlyle	Wibaux	Republican
Dellwo, Dennis A.	Charlo	Lake	Democrat
Donaldson, Harry C.	Fort Benton	Chouteau	Republican
Doran, Tod	Butte	Silver Bow	Democrat
Duncan, Houghton A.	Great Falls	Cascade	Republican
Eaton, Ernest T.	Polytechnic	Yellowstone	Republican
Fairgrieve, Alex	Washoe	Carbon	Republican
Fletcher, Samuel O.	Ryegate	Golden Valley	Republican
Flynn, W. P.	Miles City	Custer	Republican
Flachsenhar, W. R.	Terry	Prairie	Republican
Fitzgarrald, Mark D.	Stevensville	Ravalli	Republican
Fitzgerald, James T.	Butte	Silver Bow	Democrat
Fox, Thos.	Butte	Silver Bow	Democrat
Graybill, F. L.	Great Falls	Cascade	Democrat
Gordon, Fred E.	Hardin	Big Horn	Republican
Green, H. R.	Lindsay	Dawson	Republican
Harris, Orville	White Sul. Spgs.	Meagher	Republican
Hardcastle, Ernest A.	Butte	Silver Bow	Democrat
Hanson, Fred	Flaxville	Daniels	Republican
Hawley, Herb C.	Harlowton	Wheatland	Republican
Hedrick, E. O.	Moore	Fergus	Republican
Higham, J. O.	Belfry	Carbon	Republican
Holton, Albert	Cohagen	Garfield	Republican
Hoffman, Joseph	Reed Point	Stillwater	Republican
Holt, C. F.	Great Falls	Cascade	Republican
Joffray, E. N.	Clancy	Jefferson	Democrat
Johnson, Albert	Denton	Fergus	Republican
Johnson, Elmer	Glasgow	Valley	Republican
Kelly, Peter J.	Butte	Silver Bow	Democrat
Keeley, W. E.	Deer Lodge	Powell	Republican
Kennedy, J. D.	Philipsburg	Granite	Republican
Kinville, Sam	Butte	Silver Bow	Democrat
Larson, Robt.	Dagmar	Sheridan	Farmer-L.
Larsen, A. T.	Plentywood	Sheridan	Farmer-L.
Larson, Dr. E. M.	Great Falls	Cascade	Republican
Leavens, Robert	Billings	Yellowstone	Republican
Lemmon, C. A.	Anaconda	Deer Lodge	Democrat
Lincoln, T. E.	Kalispell	Flathead	Democrat
Loble, Lester H.	Helena	Lewis & Clark	Democrat
Masters, H. S.	Livingston	Park	Republican
Meagher, T. A.	Choteau	Teton	Democrat
Merritt, Clarence	Roundup	Musselshell	Republican
Miller, Timothy	Libby	Lincoln	Democrat
Morris, David C.	Fort Benton	Chouteau	Republican
Moss, G. M.	Whitefish	Flathead	Republican
Moriarity, J. J.	Circle	McCone	Democrat
Moulton, B. F.	Grass Range	Fergus	Republican
Murphy, C. F.	Anaconda	Deer Lodge	Democrat
Mulholland, M. J.	Butte	Silver Bow	Democrat
McAfee, J. H.	Kalispell	Flathead	Republican
McCarty, Mrs. Katherine	Glendive	Dawson	Democrat
McGrath, Leo J.	Butte	Silver Bow	Democrat
Nagle, Raymond T.	Helena	Lewis & Clark	Democrat
Nelson, Ben	Malta	Phillips	Republican
Nelstead, T. E.	Ekalaka	Carter	Republican
Patterson, Robert A.	Havre	Hill	Republican
Parkin, E. J.	Bozeman	Gallatin	Republican
Peat, W. C.	Missoula	Missoula	Republican
Peterson, P. A.	Browning	Glacier	Democrat
Plank, Leonard	Chester	Liberty	Democrat
Plumer, A. J.	Hysham	Treasure	Democrat
Reed, Grant	Townsend	Broadwater	Republican
Rice, Everett A.	Shelby	Toole	Republican
Ryder, Arthur	Froid	Roosevelt	Republican

HOUSE OF REPRESENTATIVES—Continued

NAME	Residence	County	Politics
Ruffcorn, Wm. M.	Glasgow	Valley	Republican
Rupert, C. A.	Melville	Sweetgrass	Republican
Sales, Allen	Bozeman	Gallatin	Republican
Schoening, Harry	Wolf Point.....	Roosevelt	Republican
Shields, Ed.	Great Falls	Cascade	Democrat
Smith, David R.	Helena	Lewis & Clark.....	Republican
Smith, Pearl I.	Dillon	Beaverhead	Republican
Steeves, M. D.	Livingston	Park	Republican
Stoddard, Si.	Anaconda	Deer Lodge	Democrat
Strange, G. B.	Stevensville	Ravalli	Republican
Throssel, Richard	Billings	Yellowstone	Republican
Tinsley, Bazel	Pony	Madison	Democrat
Troy, T. J.	Havre	Hill	Republican
Waite, W. T.	Broadus	Powder River.....	Republican
Walker, Noble M.	Lewistown	Fergus	Republican
Walton, John W.	Belgrade	Gallatin	Republican
Wuerthner, Julius J.	Great Falls	Cascade	Republican
White, Arthur	Savage	Richland	Republican
Wold, Ole M.	Laurel	Yellowstone	Republican
Woods, R. J.			
Zeh, Fred W.	Missoula	Missoula	Republican

H. J. FAUST, Chief Clerk.

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SESSION LAWS

CHAPTER 1.

An Act to Amend Sections 380, 381 and 383 of the Revised Codes of Montana of 1921, Relating to the Publishing of the Decisions of the Supreme Court, Commonly Known as the Montana Reports.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 380 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

“Section 380. The reports must be published in volumes of not less than six hundred pages each, in the size and style of Volume 2, Montana Reports, and equal in quality, press work, and binding to said volume.” How Published.

Section 2. That Section 381 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

“Section 381. The Justices shall have no pecuniary interest in the volumes of reports. The reports must be published by contract to be entered into by the Justices and with the publishing house that will agree to publish the new volumes of the Montana Reports for a period of six years, and also to furnish complete sets or odd volumes of Montana Reports from and including Volume One to the last volume published, to the state and the people of the state at prices fixed in the contract. Such contract shall require the publisher to print each volume in accordance with the specifications set forth in the preceding section. It shall also require the publisher to issue each new volume within ninety days after the manuscript for the same is delivered by the Justices to the said publisher. Such contract shall also require the publisher to make stereotype matrices of each volume so published by him, and to preserve these matrices in Publisher's Contract.

Publisher to make and preserve matrices.

Publisher must
advertise for
proposals.

fire proof vaults, to the end that the volumes will never become out of print. The publisher receiving the contract as herein provided shall, before commencing the publication of the volumes of such reports, advertise in two newspapers in Montana for ten days for proposals for such printing, stereotyping, and binding of such volumes, and such publisher shall, if the proposals for such work do not exceed by the sum of twenty per cent, the amount for which the same can be done outside of the state, cause such printing, stereotyping, and binding to be done within the state of Montana."

Section 3. That Section 383 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

300 copies to
State of Montana.

Supply all
demands for six
years.

Publisher's
Bond.

"Section 383. Said contract shall require the publisher to agree to sell three hundred copies of each new volume of said reports to the state of Montana at the price agreed upon in said contract, and to keep on hand and for sale at the contract price a sufficient number of copies of each volume to supply all demands for six years from the date of the publication thereof. And said publisher shall give bond for the fulfillment of the terms of this contract in the sum of five thousand dollars, which bond shall be filed with the Clerk of the Supreme Court and be approved by the Justices of the Supreme Court, or a majority thereof."

Section 4. This Act shall be in effect from and after its passage and approval.

Approved January 27, 1925.

CHAPTER 2.

An Act to Amend Section 4814 of the Revised Codes of Montana of 1921, Relating to the Annual Report of the County Clerks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4814 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 4814. ANNUAL REPORT OF COUNTY CLERK. Within sixty days after the close of each fiscal year, the County Clerk shall make out and present

to the Board of County Commissioners and the State Examiner, and the State Board of Equalization, a full and complete statement of the financial condition of the County. Such statement shall be made out on the form designated by the State Examiner and must show:

Statement of
financial condition
of county.

(1). A detailed description of all of the resources and liabilities of the county and the book values thereof;

(2). The amount of moneys received, showing the source of such revenue;

(3). The amount of moneys disbursed, showing the purpose of such disbursement;

(4). The operation of each of the cash funds and warrant accounts, showing the balance at beginning of year, the credits, the debits and the balance at close of year;

(5). The assessed valuation of the real and personal property of the county, the rate of taxation, the amount of taxes delinquent for preceding years and such other items as the State Examiner may prescribe."

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 5, 1925.

CHAPTER 3.

An Act to Amend Section 2174 of the Revised Codes of Montana of 1921 as Amended by Chapter 96 of the Laws of the Eighteenth Legislative Assembly, Relating to the Quarterly Settlement and Statement of the County Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2174 of the Revised Codes of the State of Montana of 1921, as amended by Chapter 96 of the Laws of the Eighteenth Legislative Assembly be, and the same is hereby amended to read as follows:

"Section 2174. Quarterly Settlement by County Treasurer. On the first Monday of January, April, July and October of each year the County Treasurer must settle

County Treasurer
must settle with
Commissioners.

with the Board of County Commissioners for all moneys collected and on said days must deliver to said Board of County Commissioners a statement under oath showing: An account of all receipts and disbursements since the last quarterly settlement together with sworn affidavits verifying the reconciliation of the balance on hand in the county treasury. After the approval of such statement and the accompanying affidavits, one copy of such report shall be filed with the County Clerk of said County, one copy shall be retained by the County Treasurer and one copy shall be transmitted to the State Examiner."

Statement.

Affidavits.

Copy filed with county clerk.
Treasurer to retain copy.
Copy sent to State Examiner.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 5, 1925.

CHAPTER 4.

An Act to Amend Section 11956 of the Revised Codes of Montana of 1921 Relating to the Number of Peremptory Challenges of Jurors Allowed the State in the Trial of Criminal Cases.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 11956 of the Revised Codes of Montana of 1921, is amended to read as follows:

11956. The State may challenge the same number of jurors allowed the defendant.

Section 2. The provisions of all Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect upon its passage and approval.

Approved Feb. 9, 1925.

CHAPTER 5.

An Act to Amend Section 9858 of the Revised Codes of Montana of 1921, Relating to Judgments, Costs and Damages for Mandamus Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9858 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

“Section 9858. IF THE APPLICANT SUCCEED, HE MAY HAVE DAMAGES, COSTS AND A PEREMPTORY MANDATE. If Judgment be given for the applicant, he may recover the damages which he has sustained, as found by the jury, or as may be determined by the court or referees, upon a reference to be ordered, together with costs; and for such damages and costs an execution may issue; and a peremptory mandate must also be awarded without delay;

Successful applicant to recover damages upon a reference to be ordered.

Costs.
Execution.
Peremptory mandate.

Provided, however, that in all cases where the respondent is a state, county or municipal officer all damages and costs, or either, which may be recovered or awarded shall be recovered and awarded against the state, county or municipal corporation represented by such officer, and not against such officer so appearing in said proceeding and the same shall be a proper claim against the state or county or municipal corporation for which such officer shall have appeared, and shall be paid as other claims against the state, county or municipality are paid; but in all such cases, the court shall first determine that the officer appeared and made defense in such proceeding in good faith.”

Where state, county or municipal officer is respondent, the state, etc. and not officer is chargeable.

Court shall determine officer defended in good faith.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 9, 1925.

CHAPTER 6.

An Act Relating to the Preparation and Publication of the State Treasurer's Quarterly Report, Advertising for Bids for the Publication Thereof, Letting of Contract Therefor, Duties of the Governor and Repeal of Section 187 of the Montana Revised Codes of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Treasurer to
keep separate
account of each
fund.

Report to
governor.

Governor to
verify report.

Report published.

Original amount
published.

Section 1. The state treasurer must keep a separate account of each fund in his hands and must at the end of each quarter of the fiscal year report to the governor in writing, under oath, the amount of all moneys in his hands to the credit of each such fund, and the place or places where the same is kept or deposited, and the number and amount of every warrant paid or redeemed by him during the quarter. The separate accounts shall not be published in detail, but the treasurer shall prepare a balance sheet showing a summary of the separate accounts, which balance sheet shall be transmitted to the governor for verification and publication. The governor must verify the report and cause the same, as summarized, to be immediately published once as news matter in the newspaper printed and circulated at the seat of government of the State of Montana, which is the lowest bidder for such printing, as required by law. In publishing the amount of every warrant paid as herein provided, it shall not be considered to also require the publication of the original amount of the warrant and in addition the amount of interest thereon, but such publication shall only be the number and original amount of such warrant.

State purchasing
agent to adver-
tise for bids.

Section 2. Immediately upon the taking effect of this Act, and for such length of time thereafter as the Constitution of the State of Montana shall continue to require the publication of the reports hereinafter referred to, it shall be the duty of the State Purchasing Agent to advertise for bids for the publication of such quarterly reports. Such advertisement for bids shall be made at least once a year.

Approved by
State Board of
Examiners.

Section 3. The contract for the publication of said report shall be let by the State Purchasing Agent, subject to the approval of the State Board of Examiners, to the lowest responsible bidder and shall be for a period of not longer than one year, and it shall not be let for

a price totaling an excess of two thousand dollars \$2,000 for a period of one year.

Section 4. Section 187, Revised Codes of Montana, 1921, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb: 12, 1925.

CHAPTER 7.

An Act to Amend Section 2131 Revised Codes of Montana, 1921, Relating to the Assessment of Railroads.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2131 Revised Codes of Montana, 1921, be and the same is hereby amended so as to read as follows:

"2131. ASSESSMENT OF RAILROADS. The president, secretary, or managing agent, or such other officer as the State Board of Equalization may designate, of any corporation, and each person or association of persons, owning or operating any railroad in more than one county in this state, must, on or before the first day of April of each year, furnish the said Board a statement, signed and sworn to by one of such officers, or by the person or one of the persons forming such association, showing in detail for the year ending on the thirty-first day of December, immediately preceding:

Office of corporation must furnish statement to board of equalization.

(1). The whole number of miles of railroad in the state; and, where the line is partly out of the state, the whole number of miles without the state, and the whole number within the state, owned or operated by such corporation, person, or association.

No. of miles within or without the State.

(2). The value of the roadway, roadbed, and rails of the whole railroad, and the value of the same within the state.

Value.

(3). The width of the right of way.

Width.

(4). The number of each kind of all rolling-stock used by such corporation, person, or association in operating the entire railroad, including the part without the state.

Rolling stock.

CHAPTER 7

SESSION LAWS

Number, kind
and value of
rolling stock in
state.

(5). Number, kind, and value of rolling-stock owned and operated in the state.

(6). Number, kind, and value of rolling-stock used in the state, but now owned by the party making the returns.

Number, kind
and value out
of state.

(7). Number, kind, and value of rolling-stock owned but used out of the state, either upon divisions of road operated by the party making the returns, or by and upon other railroads.

Side tracks.

(8). The whole number of side-tracks in each county, including the number of miles of track in each railroad yard in the state.

Number of
each kind of
rolling stock.

(9). The number of each kind of rolling-stock used in operating the entire railroad, including the part without the state, which must include a detailed statement of the number and value thereof, of all engines, passenger, mail, express, baggage, freight, and other cars, or property owned or leased by such corporation, persons, or association.

Sleeping and
dining cars.

(10). The number of sleeping and dining cars not owned by such corporation, person, or association, but used in operating the railroads of such corporation, person, or association in the state, or on the line of the road without the state, during each month of the year for which the return is made; also the number of miles each month said cars have been run or operated within and without the state.

Description of
the road.

(11). A description of the road, giving the points of entrance into and the points of exit from each county, with a statement of the number of miles in each county. When a description of the road shall have once been given, no other annual description thereof is necessary, unless the road shall have been changed. Whenever the road, or any portion of the road, is advertised to be sold, or is sold for taxes, either state or county, no other description is necessary than that given by, and the same is conclusive upon, the person, corporation, or association giving the description. No assessment is invalid on account of a misdescription of the railroad, or the right of way for the same. If such statement is not furnished as above provided, the assessment made by the State Board of Equalization upon the property of the corpora-

Assessment not
invalid because
of misdescrip-
tion.

Failure to make
assessment.

tion, person, or association failing to furnish the statement is conclusive and final.

(12). Also showing in detail for the year preceding the first of January:

- | | |
|---|----------------------|
| (a). The gross earnings of the entire road; | Gross earnings. |
| (b). The gross earnings of the road within the state, and where the railroad is let to other operators, how much was derived by the lessor as rental; | |
| (c). The cost of operating the entire road, exclusive of sinking fund, expenses, of land department, and money paid to the United States; | Cost of operating. |
| (d). Net income for such year, and amount of dividend declared. | Net income dividend. |
| (e). Capital stock authorized; | |
| (f). Capital stock paid in; | Capital stock. |
| (g). Funded debt; | Funded debt. |
| (h). Number of shares authorized; | |
| (i). Number of shares of stock issued. | No. of shares. |

(13). Any other facts the State Board of Equalization may require."

Section 2: All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 12, 1925.

CHAPTER 8.

An Act to Amend Section 5685 of the Revised Codes of Montana of 1921, Relating to Powers of Persons Whose Incapacity Has Been Adjudged.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5685 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 5685. After his incapacity has been judicially determined, a person of unsound mind can make no conveyance or other contract, except where such con-

Insane person cannot make contract except where it is of beneficial interest to his estate.

tract confers a beneficial interest to his estate, nor delegate any power, nor waive any right, until his restoration to capacity; but a certificate from the Medical Superintendent or resident physician or other officer of the Insane Asylum to which such person may have been committed, whether said Insane Asylum is in this State or elsewhere, showing that such person has been discharged, released or paroled therefrom, cured and restored to reason, or discharged, released, or paroled in an improved condition shall establish the presumption of legal capacity in such person from the time of such discharge, release or parole."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 14, 1925.

CHAPTER 9.

An Act to Amend Section 9810 of the Revised Codes of Montana of 1921, Relating to the Payment of Any Fee or Amount in Advance by Officers of the State, County or a Municipality During the Prosecution or Defense of an Action, and Also to the Fixing of Costs in Such an Action.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9810 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 9810. STATE, ETC., need not pay in advance. The state or a county or a municipality, or any subdivision thereof, or any officer when prosecuting or defending an action on behalf of the state or county, or a municipality, or subdivision thereof, is not required to pay or deposit any fee or amount to or with any officer during the prosecution or defense of an action. No officer so prosecuting or defending shall be taxed with costs or damages, but such costs or damages, if any, shall be taxed to the state or county, or municipality, as the case may be."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 14, 1925.

Certificate of
superintendent
physician or
officer is pre-
sumption of
legal capacity.

Officer defending
state, county or
municipality
need not pay fee.

Officer not
taxable with
costs.

CHAPTER 10.

An Act to Amend Chapter 101 of Part III of the Political Code of Montana of 1921 by the Enactment of a New Section to Be Known as Section 1281A, Provided That Accredited High Schools Maintained by Joint School Districts Shall for All the Purposes of Said Chapter Be Considered as Situated in Each County in Which Any Part of Said Joint District Is Situated, Regardless of the Actual Situs of Such School; And Providing for the Apportionment of the Proceeds of County High School Tax Levies to Joint Districts Maintaining Such High Schools, and Defining the Method of Such Apportionment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 101 of Part III of the Political Code of Montana of 1921, be and is hereby amended by the addition of a new section to be known as Section 1281-A, and to read as follows:

"Section 1281-A. Each accredited high school maintained by a joint school district shall for all the purposes of this chapter be considered as situated in each county in which any part of said joint school district is situated, regardless of the actual situs of such school; and each such joint district maintaining an accredited high school within the meaning of this chapter shall share in the apportionment of the proceeds of the high school tax of each such county according to the provisions of Section 1280 of this Code, if such county maintains a high school, or according to the provisions of Section 1281 if such county does not maintain a high school; provided, however, that in computing the average daily attendance of such high school as provided by Sections 1280 and 1281 the county superintendent shall include only the eligible pupils residing within the said county; and provided further, that in computing the number of teachers employed and necessary for the effective instruction of pupils in accredited high school work in such districts as provided by Section 1281 the county superintendent shall include only that proportion of the total number of teachers so employed which the average daily attendance of eligible pupils attending such joint district high schools and residing within the said county bears to the total average daily attendance of such school."

Accredited high school considered as situated in each county where district is situated.

Tax Apportionment.

How computed.

Section 2. This Act shall be in full force and effect from and after its passage and approval and shall govern the apportionment of the proceeds of all county high school levies not theretofore apportioned."

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 14, 1925.

CHAPTER 11.

An Act to Amend Section 10178 of the Revised Codes of Montana, 1921, Relating to the Time Within Which Actions Must Be Commenced on Claims Against an Estate Rejected by the Executor or Administrator.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 10178 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

"Section 10178. When a claim is rejected either by the executor or administrator, or the Judge, the holder must bring suit in the proper court against the executor or administrator within three months after the date such claim is filed, with endorsement thereon showing the rejection thereof, in whole or in part, in the office of the Clerk of Court in which the proceedings are pending, if it be then due, or within two months after it becomes due, otherwise the claim shall be forever barred."

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved Feb. 17, 1925.

CHAPTER 12.

An Act to Amend Sections 648 and 649 of the Revised Codes of Montana of 1921, Relating to the Arrangement and Notice of Nominations and Ballots at Primary Election.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 648 of the Revised Codes of

Bring suit
within 3 months
after claim is
filed.

Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 648. Arrangement and notice of nominations. Not more than forty days and not less than twenty-five days before the day fixed by law for the primary nominating election the Secretary of State shall arrange, in the manner provided by this law, for the arrangement of the names and other information upon the ballots, all the names of and information concerning all the candidates for nomination contained in the valid petitions for nomination which have been filed with him in accordance with the provisions of this law, and he shall forthwith certify the same under the seal of the state, and file the same in his office, and make and transmit a duplicate thereof by registered letter to the County Clerk of each county in the state, and he shall also post a duplicate thereof in a conspicuous place in his office and keep the same posted until after said primary nominating election has taken place. In case of emergency the Secretary of State may transmit such duplicate by telegraph."

When secretary of state to arrange names.

Secretary must certify and file same.

Duplicate to county clerk.

Post duplicate in his office.

Section 2. That Section 649 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

"Section 649. Arrangement of ballots and notice. Not more than thirty days, and not less than twenty days before the day fixed by law for the Primary nominating election, the County Clerk of each county, or the City Clerk of each city, as the case may be, subject to the provisions of this law, shall arrange in the manner provided by this law for the arrangement of the names and other information concerning all the candidates and parties named in the valid petitions for nomination which have been filed with him and those which have been certified to him by the Secretary of State, in accordance with the provisions of this law; and he shall forthwith certify the same under the official seal of his office, and file the same in his office, and make and post a duplicate thereof in a conspicuous place in his office, and keep the same posted until after the primary nominating election has taken place; and he shall forthwith proceed and cause to be printed, according to law, the colored sample ballots and the official ballots required by this law."

Arrangement of names

Certified.

Duplicate to be posted.

Printing.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after July 1, 1925.

Approved Feb. 17, 1925.

CHAPTER 13.

An Act to Amend Section Number 1686 of the Revised Codes of Montana, 1921, Regulating the Letting of Contracts for the Improvement and Construction of Highways.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1686 of the Revised Codes of the State of Montana, be, and the same is hereby amended to read as follows, to-wit:

“Section 1686. Letting of Contract—Conditions of Same. After the board has made the order creating and establishing the local improvement district, the local committee of supervisors shall let the contract for furnishing the necessary materials and the performance of the work and labor necessary for the construction and completion of said road according to said plans and specifications and under the supervision of the county surveyor they shall advertise for bids for the construction, laying out or improving of such main highway, and fix the time for opening such bids at the office of the board of county commissioners and award such contract to the lowest responsible bidder, except that no contract shall be awarded at a greater sum than the estimate of cost of such work hereinbefore provided for. The said work may be let to one or more contractors or all of same may be let in one contract or in separate contracts in the discretion of said local supervisors. The committee of supervisors may reject any and all bids and before the execution of any contract they shall require a bond satisfactory to them that the contractor will furnish the required material and perform the required work upon the terms specified in the contract and within the time prescribed; and as a bond of indemnity against any direct or indirect damages that shall be suffered or claimed for injury of persons or property during the construction of said improvement and until the same is accepted.

Partial payments may be provided for in the contract.

Local committee
of supervisors
shall let contract.

Advertise for
bids.

Contractors.

Bond required.

and paid in the manner herein provided when certified by the county surveyor and committee of supervisors to an amount not exceeding eighty per cent of the value of the work done and the materials, provisions and supplies furnished and the said contract shall provide that at least twenty per cent of the estimated amount shall be retained to secure the payment to laborers who have labored on such work and to those who have furnished materials, provisions and supplies and supplies for the prosecution of such work, and such laborers and those who have furnished materials, provisions and supplies shall have thirty days after the work has been completed or material, provisions and supplies furnished, for lien on such twenty per centum so reserved; Providing, notice thereof in writing shall have been filed with the committee of supervisors within said thirty days, which lien shall be senior to all other liens, such as judgment, garnishment, or judgment liens, and no improvements or construction shall be deemed to be completed until the committee of supervisors have filed with the Clerk of the Board of County Commissioners a statement signed by a majority of them, same to have been completed and that all labor, material, provisions and supply liens have been discharged. Such contract shall be executed in the name and on the behalf of the County by the Board of County Commissioners and attested with the seal thereof, for the use and benefit of said local improvement district; but such county shall not thereby be rendered subject to any claim or liability in a greater sum than that agreed upon with said proposed assessment district as provided in the order fixing the amount chargeable to said county.

Partial payments.

Lien for labor.

Certificate of payment.

How executed.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 17, 1925.

CHAPTER 14.

An Act to Amend Section 8259 of the Revised Codes of Montana of 1921, Relating to Assignment of Mortgages and Requiring That Assignments of Mortgages Shall Contain the Post Office Address of the Assignee, and Prohibiting the Recording Thereof Unless Containing Such Post Office Address.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8259 of the Revised Codes of Montana of 1921 be, and the same hereby is, amended to read as follows:

"Section 8259. An assignment of a real estate mortgage may be recorded in like manner as a mortgage and such record shall operate as due and legal notice to the mortgagor and all persons subsequently deriving title to the mortgage from the assignor and all persons interested.

Such assignment shall contain the assignee's post office address at his place of residence and shall not be entitled to be recorded unless it contains such post office address."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 17, 1925.

CHAPTER 15.

An Act to Amend Section 620 of the Revised Codes of Montana of 1921 Relating to Time in Which a Person Nominated for Public Office May Decline Such Nomination.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 620 of the Revised Codes of Montana of 1921, be and the same is amended to read as follows:

"Section 620. Whenever any person nominated for public office, as in this chapter provided, shall at least twenty days before election, except in the case of municipal election, in writing, signed by him, notify the office with whom the certificate nominating him is by this

Assignment of mortgage may be recorded.

Post office address of assignee.

How nomination declined.

chapter to be filed, that he declines such nomination, such nomination shall be void. In municipal elections, such declination shall be made at least five days before the election."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 17, 1925.

CHAPTER 16.

An Act to Amend Section 687, of the Revised Codes of Montana of 1921 Relating to the Number of Ballots to Be Provided for Each Precinct in General Election.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 687 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 687. "NUMBER OF BALLOTS TO BE PROVIDED FOR EACH PRECINCT. The county clerk must provide for each election precinct in the county ten more than an equal number of ballots as there are electors registered in the precinct. If there is no registry in the precinct, the county clerk must provide ballots equal to the number of electors who voted at the last preceding election in the precinct, unless in the judgment of the county clerk a greater number be needed, but in no case to exceed one and one-half times as many as the number of registered voters in the precinct. He must keep a record in his office, showing the exact number of ballots, that are delivered to the judges of each precinct. In municipal elections it is the duty of the city clerk to provide ballots as specified in this section."

Clerk must provide No. of ballots.

Record of ballots.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 17, 1925.

CHAPTER 17.

An Act to Amend Section 287 Revised Codes of Montana 1921, Relating to the State Purchasing Department.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 287 Revised Codes of Montana 1921 be, and the same is hereby amended so as to read as follows:

“Section 287. **AUTHORITY TO PURCHASE.** An estimate or requisition approved by the department, commission, board or state official in control of the appropriation or fund against which such contract or purchase is to be charged, shall be full authority for any contract and any purchase made by the State Purchasing Department; provided, however, that no purchase shall be made by the State Purchasing Department of any furniture, fixtures, apparatus or equipment for any department, board, commission or office until the estimate or requisition for the purchase thereof has been submitted to the State Board of Examiners and an order made by such Board authorizing the purchase thereof.”

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 17, 1925.

Approved
requisition full
authority for
contract.

Board of Exam-
iners to authorize
purchase for
furniture.

CHAPTER 18.

An Act to Amend Section 2153 of the Revised Codes of Montana of 1921, Relative to Tax on Personal Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2153 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 2153. Every tax due upon personal property is a prior lien upon such personal property assessed, which lien shall have precedence over any other lien, claim or demand, and every tax due upon personal property is a lien upon the real property of the owner thereof, from and after twelve o'clock M. of the first Monday in March in each year.”

Tax lien
preference on
personal and real
property.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 19, 1925.

CHAPTER 19.

An Act to Amend Section 9746 of the Revised Codes of Montana of 1921, Relative to the Authentication of Copies of Appeals to the Supreme Court and Concerning Abbreviated Records on Appeal to the Supreme Court of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9746 Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“9746. Authentication of Copies—Abbreviated Record. All papers furnished to the Supreme Court on appeal shall, before the transcript is filed therein, be certified by the Clerk or by the attorneys in the case to be correct, and must be accompanied with a certificate of the clerk or attorneys that an undertaking on appeal, in due form, has been properly filed, or that a deposit has been made as provided for in Section 9741, or the stipulation of the party waiving an undertaking or deposit. The appellant may present to the Supreme Court, or any Justice thereof, a copy of the record from which are omitted those parts thereof which appellant believes to be immaterial to any question arising on the appeal, and thereupon, if it shall appear prima facie, that the parts omitted are so immaterial, the Court or Justice shall make an order allowing such abbreviated record to be served and filed as the transcript on appeal, and directing the Clerk of the District Court to certify to such transcript, which order shall save to the respondent the right to suggest a diminution of the record in case he can show that without the parts omitted the appeal cannot be fairly and fully heard and determined. The certificate of the Clerk of the District Court shall refer to such order of the Court or Justice. In all cases where no bill of exceptions is presented for settlement in the trial court the party appealing shall file his transcript

Papers certified
by clerk.

Undertaking
filed.
Stipulation.

Omission of
immaterial
parts.

Abbreviated
record.

Right of
respondent to
suggest a
diminution of
record.

No bill of excep-
tions.

60 days to file
after perfection.

When a bill of
exceptions 60
days after
settlement.

in the Supreme Court within sixty days after such appeal is perfected; and in cases where a bill of exceptions is settled in the trial court the party appealing shall file his transcript in the Supreme Court within sixty days after such bill of exceptions has been settled."

Section 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved Feb. 19, 1925.

CHAPTER 20.

An Act Providing for a Monthly Maintenance Allowance for Persons Receiving Vocational Rehabilitations and Training Under the Provisions of Sections 3044 to 3051 Revised Codes of Montana of 1921 and Defining the Terms and Conditions of Such Allowance.

Be it enacted by the Legislative Assembly of the State of Montana:

Monthly main-
tenance allow-
ance.

Single person.

Time period.

Exceptions.

Sufficient
compensation.

Minor.

Maintenance
from friends.

Section 1. A disabled person receiving vocational training under the direction of the State Rehabilitation Bureau may, in addition to the benefits described in Sections 3044 to 3051 inclusive of the Revised Codes of Montana of 1921, be granted a monthly maintenance allowance while in training. This allowance shall be for the purpose of assisting the person receiving such training to meet his actual living expenses and shall never, in the case of a single person, exceed \$30.00 per month, nor, in the case of a married person, exceed \$50.00 per month; nor shall it, in any case, continue for a longer period than eight months. Maintenance shall not be paid where:

(a) The person receiving such training is drawing sufficient compensation from the State Industrial Accident Board or from any other state, county, municipal or federal board or commission to cover his living expense.

(b) The person receiving such training is a minor and has parents who are able to support him while in training.

(c) The person receiving such training has relatives, friends, or a former employer able and willing to maintain him.

(d) The person receiving such training is financially

able to support himself, or has, or can obtain part time employment, without injury to his health or training, which will enable him to get along without outside assistance. Self supporting.

(e) The person receiving such training is taking a correspondence course only. Correspondence course.

(f) The person receiving such training is taking a college course in one of our institutions for higher education. College course.

(g) The person receiving such training and his parents or guardian have not filed, with his application, an affidavit showing what property he or his parent own, and also showing that his relatives, friends or former employer are unwilling to maintain him. No affidavit filed.

Section 2. Only as much of the maximum maintenance allowance as is actually needed shall be paid. The beneficiary's income and resources shall be ascertained and his allowance from the State adjusted accordingly. A person in an industrial establishment shall receive no maintenance from the Rehabilitation Bureau, if his wages from the firm equal his living expenses. A fair and equitable adjustment will at all times be made in cases where a person receives a wage, salary or income, which can and should be applied in defraying the cost of board, lodging and other necessary expenses while in training. Must be actually needed.

Section 3. That portion of the money appropriated for vocational rehabilitation purposes which is actually necessary may be drawn upon in making the payments described above; provided that no part of the funds appropriated to match the allowance received by the state from the Federal Board for Vocational Education may be so used. Payments will be made monthly by warrants issued by the State Auditor upon order of the State Industrial Accident Board, the members of which will be guided by the recommendation of the State Agent for Civilian Rehabilitation. How payments are made.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 19, 1925.

CHAPTER 21.

An Act to Amend Section 412 of the Revised Codes of Montana of 1921, Relating to County Officers Not Acting as Deputy for Other Officers of the Same County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 412 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 412. COUNTY OFFICERS NOT TO ACT AS DEPUTY. No county officer, under salary, must be appointed or act as deputy of another officer of the same county except in cases where the officer so appointed agrees to act and serve as such deputy without additional compensation.”

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 19, 1925.

CHAPTER 22.

An Act to Amend Section 9453 of the Revised Codes of Montana of 1921, Relating to the Cure of Defects in Judicial Sales of Real Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9453 of the Revised Codes of Montana of 1921, be and the same is hereby amended so as to read as follows:

“Section 9453. All judicial sales of real property which previous to January 1, 1925, (provided no action is now pending to set such sale aside), were made in this state on proceedings to satisfy valid judgments or decrees of any court and the moneys bidden thereon paid to the officer making such sale, shall be valid and sufficient in law to sustain a sheriff's deed based on such sale, and when no such deed has been executed, shall entitle such purchaser to such deed; and such deed if now or when executed shall be sufficient to convey all the title of judgment debtor at the time of such sale in the premises so sold to the purchaser at said sale, and all defects or irregularities in the issuance of execution,

Judicial sales
valid.

Defects shall
not invalidate
sales.

or the manner of making or conducting the sale, or in the recitals or references in such deed, shall be disregarded and such sale shall not be invalidated by reason of any such defect or irregularity.”

Section 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 19, 1925.

CHAPTER 23.

An Act to Amend Section 8339 of the Revised Codes of Montana of 1921, Relating to Mechanics’ Liens and Providing for the Inclusion of Coal Mines Under the Provisions Relative to Mechanics’ Liens.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8339 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 8339. Every mechanic, miner, machinist, architect, foreman, engineer, builder, lumberman, artisan, workman, laborer, and any other person, performing any work and labor upon, or furnishing any material, machinery or fixture for, any building, structure, bridge, flume, canal, ditch, aqueduct, mining claim, coal mine, quartz lode, tunnel, city or town lot, farm, ranch, fence, railroad, telegraph, telephone, electric light, gas, or water works or plant, or any improvements, upon complying with the provisions of this chapter, for his work or labor done, or material, machinery or fixtures furnished, has a lien upon the property upon which the work or labor is done or material is furnished.”

Liens for labor
upon property
upon which work
was done.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 19, 1925.

CHAPTER 24.

An Act to Amend Section 2238 Revised Codes of Montana 1921, as Amended by Chapter 102 Session Laws 1923, Relating to the Collection of Personal Property Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2238 of the Revised Codes of Montana of 1921, as amended by Chapter 102, Session Laws 1923, be, and the same is, hereby amended to read as follows:

Assessor to
notify treasurer
when discovering
property, the
tax on which is
not a lien on
real property.

“Section 2238. DUTY OF ASSESSOR. It shall be the duty of the assessor, upon discovering any personal property in the county the taxes upon which are not in his opinion a lien upon real property sufficient to secure the payment of such taxes, to immediately, and in any event not more than ten days thereafter, make a report to the treasurer setting forth the nature, amount and assessed valuation of such assessed property, where the same is located, and the name and address of the owner, claimant or other person in possession of the same. The county assessor shall file with the State Board of Equalization a duplicate of each of such reports so made to the county treasurer.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 19, 1925.

CHAPTER 25.

An Act to Amend Sections 1189 and 1190 of the Revised Codes of Montana, 1921, Relating to Meetings of State Textbook Commission and Contracts for Supplying Textbooks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1189 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

“Section 1189. MEETINGS OF COMMISSION. The

State Textbook Commission shall meet in the State Capitol in the City of Helena, on the second Monday in December, 1926, and every second year thereafter, and the President of said Commission shall call a meeting thereof on the third Saturday of September, 1926, and every second year thereafter for the purpose of considering in what subjects, if any, as hereinafter provided textbooks shall be changed, and expiring contracts extended; provided, that changes shall not be made in the textbooks of more than three subjects at any meeting.

Change in text books and extension of contracts.

He must also, upon ten days' written notice to the members to be given by the Secretary, call a meeting of the Commission at any time to receive proposals and to enter into contracts with publishers for supplying textbooks whenever contracts for certain books heretofore entered into become terminated by rescission or otherwise cease to be in full force and effect, and to adopt additional supplementary books whenever it is deemed for the best interests of the schools of the state. Said Textbook Commission may adjourn from day to day until it shall have made adoptions as provided for in this chapter. The session of said Commission shall not continue beyond six actual days, and nothing herein contained shall be so construed as to have any reference to the provisions of this act relating to school libraries."

Meeting for contract proposals of publishers.

Supplementary books.

Limit of six days.

Section 2. That Section 1190 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

"Section 1190. CONTRACTS FOR SUPPLYING TEXTBOOKS. Beginning with October first, 1926, and every second year thereafter, the Superintendent of Public Instruction shall, if any changes have been recommended, advertise for five days in two daily newspapers in this state, giving notice that the Textbook Commission will meet, as herein provided, and that it will receive sealed proposals up to twelve o'clock noon, of said second Monday in December next following, for supplying the State of Montana with such basal and supplementary textbooks as the Commission has considered desirable to be changed, for use in all the public schools of said state, for a period of six years from and after the first day in September, 1927; and all contracts under this act shall further provide that they may be extended after their expiration at the option of the Commission, and at not to exceed the schedule of prices agreed upon

Advertise notice of meeting.

Sealed proposals.

Books to be used for six years.

Contracts may be extended for four years.

Branches for
text books.

therein; and the contracts in existence at the time of the passage of this act may be extended after expiration for not to exceed four years, at the option of the Commission and not to exceed the schedule of prices agreed upon therein. The Commission shall make contracts for textbooks in the following branches, to-wit: Reading, spelling, writing, arithmetic, geography (elementary and advanced), language and grammar, physiology and hygiene, civil government (State and National), history of the United States (elementary and advanced) and elementary agriculture.

Authority to
adopt text books
to basal text
books.

Said Commission is hereby empowered to adopt such other textbooks supplementary to the basal textbooks above referred to as it may deem advisable. But no supplementary textbooks shall be used in any of the schools in this state except in connection with and supplementary to the basal textbooks adopted by the said State Textbook Commission as provided in this act. Said

Sealed proposals.

sealed proposals shall be addressed to the Chairman of the State Textbook Commission, Helena, Montana, and shall be indorsed "Sealed proposals for supplying textbooks for use in the State of Montana." Said proposals shall state the net wholesale price at which the publishers whose books may be adopted by the State Textbook Commission, will agree to deliver the same in the City of Chicago, Illinois, f. o. b. to merchants in Montana, or to school districts purchasing same or f. o. b. textbook depositories in Montana. They shall also state the introductory price without exchange, and the exchange price for new books adopted in exchange for the old books in the hands of the pupils, and for the new books in the

Contents of
sealed proposals.

hands of the districts or dealers, which may be displaced, grade for grade; provided that when pupils own their books they may exchange one of a lower grade for one of a higher; and shall further state the retail price at which they will keep all the textbooks so adopted on sale uniformly in at least one place in each county throughout the state. Whenever any contract shall be

Contracts
terminated by
rescission.

terminated by rescission, or shall otherwise cease to be in force and effect, the State Textbook Commission shall, within ten days after the termination of such contracts, advertise in the same manner and for the same length of time as elsewhere mentioned in this section for proposals to furnish textbooks on the same subjects as those embraced within such contract for the same length of time, and bids shall be received in the same manner as

Advertise for
proposals.

hereinbefore provided. The publishers contracting and agreeing to supply textbooks for use in the State of Montana under the provisions of this act, shall cause to be prepared a special map and special supplement descriptive of Montana for the geography adopted by said Commission. They shall also cause to be prepared a special supplement for Montana for the civil government adopted, which supplement shall contain not less than one hundred pages. They shall further agree to maintain the mechanical excellence of the books adopted by said Commission fully equal to the samples submitted in binding, quality of paper, and other essential features.

Special map for
geography.

Special supple-
ment for civil
government.

Mechanical
excellence of
books.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 19, 1925.

CHAPTER 26.

An Act Authorizing the State Board of Examiners to Issue and Dispose of "Capitol Building Bonds" to the Amount of Twenty-five Thousand Dollars for the Purpose of Constructing a Vault in Connection with the Office of the State Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners of the State of Montana is hereby authorized and empowered to issue and dispose of Capitol Building Bonds of the State of Montana for the purpose of constructing a permanent fireproof and burglarproof vault for use in connection with the office of State Treasurer of the State of Montana, under the following conditions and restrictions, to-wit:

Bonds for con-
struction of
vault.

First. The aggregate amount of bonds authorized to be issued and sold under the provisions of this Act shall not exceed the amount of twenty-five thousand dollars (\$25,000).

Not to exceed
\$25,000.

Second. Nothing in this Act shall be construed as in any wise holding the State of Montana liable for the payment of the bonds herein described, or the interest thereon, except to the lien herein created against the

Liens for bonds.

lands and funds granted to the State of Montana for the purpose of erecting buildings at the State Capitol, and such liens shall not be abridged or set aside until the bonds authorized by this Act shall have been fully paid, together with the interest thereon.

Term of bonds.

Third. The term of said bonds shall not exceed fifteen years from their date, and they shall be payable at any time after five years from their date, at the option of the State Board of Examiners.

5% interest.

Fourth. The bonds may bear any rate of interest not exceeding five per cent., per annum, and the interest shall be payable semi-annually.

Payable at state treasurer.

Fifth. The principal and interest shall be payable at the office of the State Treasurer, at Helena, Montana.

Form of bonds.

Sixth. The State Board of Examiners shall prescribe the form of the bond, and the bonds shall bear upon their face the words, "Fifth Issue Capitol Building Bonds of the State of Montana," and shall be signed by the members of the State Board of Examiners, and the Great Seal of the State of Montana shall be affixed to each bond, and the bonds shall be registered in the office of the State Treasurer.

Coupons.

Seventh. The coupons representing the interest on the bonds shall have lithographic facsimile signatures of the members of the State Board of Examiners affixed thereon.

Disposal of bonds.

Section 2. The bonds provided for in this Act shall be disposed of by the State Board of Examiners in such a manner as it shall deem for the best interest of the State, provided that no bond shall be disposed of for less than its par value.

Payable from special fund.

Section 3. The bonds provided for in this Act and the principal and interest of said bonds shall be paid out of the special fund provided for by Section 1240, Revised Codes of Montana of 1907, designated as the "Capitol Building Interest and Sinking Fund," and from said "Capitol Building Interest and Sinking Fund," there shall, as the same becomes due and payable, be paid the interest on the said bonds; and it is further provided, that it is the duty of the State Board of Land Commissioners, whenever there are any funds in the said "Capitol Building Interest and Sinking Fund," over

and above the sum of twenty-five hundred dollars in excess of the amount required to pay the yearly interest of the second issue of Capitol Building Bonds of the State of Montana, and the interest on the third issue of Capitol Building Bonds and the interest on the fourth issue of Capitol Building Bonds, known as the "Capitol Annex Building Bonds," to invest such excess funds in the manner set forth and provided in Section 1241 of the Revised Codes of Montana of 1907, and the amount so invested shall constitute a permanent fund to pay the principal of the bonds issued pursuant to any act of the Legislative Assembly of the State of Montana authorizing the issuance of Capitol Building Bonds; but all interest or profit derived from the investment shall be paid into the "State Capitol Building Interest and Sinking Fund," and the principal and interest of the bonds heretofore issued for capitol building purposes shall constitute a prior lien upon said funds and the lands granted and belonging to the State for the purpose of erecting buildings at the State Capitol, and the principal and interest of the bonds authorized by this Act shall constitute a subsequent lien upon the said funds and all lands granted and belonging to the State for the purpose of erecting buildings at the State Capitol.

Investment of
excess funds.

Prior lien for
heretofore issued
bonds.

Bonds of this
Act a subsequent
lien.

Section 4. In the event that the State of Montana shall at any time provide and pay the interest, or any part thereof, of the bonds authorized by this Act from the General Funds of the State, or by any special appropriation made, or taxes levied therefor, then for any and all interest so paid the State shall be reimbursed from the said Capitol Building Interest and Sinking Fund by the payment of the amount so paid or due whenever there is sufficient money in said Capitol Building Interest and Sinking Fund to pay the same, after paying the principal and interest due on the bonds issued under any previous act for capitol building purposes.

In event state
pays interest
out of general
fund.

Section 5. The State Treasurer is hereby designated as the custodian of the funds provided by this Act and he shall pay all warrants properly drawn by the State Auditor, save and except as to the interest on the bonds, which he shall pay as the same become due and charge the amount thereof to the Capitol Building and Sinking Fund, hereinbefore referred to.

State treasurer
custodian of
funds.

Section 6. Whenever any bonds authorized by this

Paid in order
of their issuance.

Act shall become due and payable and there are sufficient funds to pay the same, they shall be called in and paid in the order of their issuance, beginning with the lowest number.

Costs and
expense of
issuing.

Section 7. The cost and expense of issuing the bonds provided for by this Act may be paid out of the proceeds from the sale thereof.

Warrants to be
issued when
funds not
sufficient.

Section 8. In the event that at any time there shall not be sufficient money in the Capitol Building Interest and Sinking Fund to pay the interest on the bonds herein provided for when due, the State Board of Examiners shall, by an order entered on its minutes, cause warrants to be issued on the said Capitol Building Interest and Sinking Fund for the amount of interest due and the warrants so issued shall be registered in the office of the State Treasurer and shall bear interest at the rate of five per cent., per annum, and said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said fund to pay the same, after paying the interest on the bonds heretofore issued for Capitol Building purposes. By reason of the delivery of said warrants to the holders of said bonds and the surrender of the said interest coupons, there shall be no default in the payment of interest.

All moneys
received to be
paid to state
treasurer.

Section 9. All moneys received from the sale of the bonds authorized by this Act shall be paid to the State Treasurer and shall constitute a special fund for the purpose of constructing a vault for use in connection with the office of State Treasurer of the State of Montana and shall be disbursed by the State Treasurer on warrants properly drawn by the State Auditor, pursuant to the order of the State Board of Examiners.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 21, 1925.

CHAPTER 27.

An Act Extending the Privilege of Continual Succession to Corporations Organized Prior to the Fifth Day of March, 1903, for Religious, Social and Benevolent Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any corporation organized under the laws of the Territory or State of Montana, which was on the 5th day of March, 1903, subject to the provisions of Sections 860, 861, 862, 863 and 865 of the Civil Code of Montana of 1895, is hereby authorized to amend its articles of incorporation so as to hereafter have and enjoy the privilege of continual succession conferred upon corporations thereafter organized under the provisions of the Act approved March 5, 1903, (Laws of Montana 1903, Chapter LXX, entitled: "An Act to Amend Sections 860, 861, 862, 863 and 865 of the Civil Code, Relating to Religious, Social and Benevolent Corporations"), or under laws amendatory thereof or supplemental thereto, by resolution to that effect, adopted (a) at any regular annual meeting of the members of the corporation, or (b) at any special meeting of the members regularly called for the purpose by the directors or governing committee, or (c) at any meeting of the directors or governing committee upon the written consent of the majority of the members of the corporation; provided, that such resolution is adopted prior to the expiration of the period of forty years from and after the date of the filing of the original articles of incorporation. The resolution of amendment may be adopted at a meeting of the members upon the affirmative vote of a majority of the members then present, provided that a quorum of the members, as defined by the Constitution or By-Laws of the Corporation, are present.

Corporations authorized to amend articles for continual succession.

Under act relating to religious, social and benevolent corporations or other resolutions.

Proviso.

Section 2. A certificate of the action of the directors or governing committee, signed by them and their secretary, when the resolution is adopted upon the written consent of the members, or a certificate of the proceedings of the meeting of the members, when the resolution is adopted at such meeting, signed by the Chairman and Secretary of the meeting and a majority of the directors, shall be filed in the office of the Clerk of the County wherein the original articles of incorpora-

Certificate to be filed with county clerk and copy with secretary of state.

tion are filed, and a certified copy thereof in the office of the Secretary of State; and thereafter the corporation shall have continual succession, under the provisions of the Act of March 5, 1903, (Laws of Montana 1903, Chapter LXX), and laws amendatory thereof or supplemental thereto, which may be applicable thereto, and shall possess all the rights and powers, and be subject to all the obligations, restrictions and limitations prescribed thereby.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 28.

An Act to Amend Section 5918 and Section 5926 of the Revised Codes of Montana of 1921, Relating to the Extension of the Term of Existence of Corporation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5918 of the Revised Codes of Montana of 1921 be amended to read as follows:

“Section 5918. Any corporation now existing or hereafter organized under the laws of the State of Montana may, in the manner herein provided, amend its articles of incorporation by changing the name, place of business or number of directors, by changing the number, par value, character, class or preference of its shares of capital stock, by increasing or decreasing the capital stock, by changing or extending its business to embrace any purpose for which corporations may be organized under the laws of Montana, by extending its term of existence within the limits provided by law, or by an amendment in respect to any other matter which might lawfully have been originally provided in such articles of incorporation.”

Section 2. That Section 5926 of the Revised Codes of Montana of 1921 be amended to read as follows:

“Section 5926. Any corporation organized under the laws of the Territory or State of Montana, whether organized previous to or after the taking effect of the Codes on July 1, 1895’ shall have power to extend the term of its existence, in the manner provided by law,

Manner in which a corporation may amend its articles.

Power to extend the term of its existence.

for consecutive periods of not to exceed forty years each; provided, that at the time of any such extension the unexpired portion of its then authorized term of existence plus the term of the proposed extension shall not exceed forty years and sixty days; and provided further that nothing herein shall limit the existence of any corporation that may be by law permitted continual existence; and, provided further, that the State reserves the right to at any time alter, revoke or amend the powers and privileges herein granted to corporations."

Proviso.

State reserves rights.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 29.

An Act to Validate and Make Legal Certain County Warrants Drawn on the Poor Funds of the Respective Counties of the State of Montana for Services Actually Rendered, or for Goods or Materials Actually Furnished, Which Warrants Were Drawn and Registered Since the Passage and Approval of Chapter 209 of the Session Laws of 1921, Passed by the Seventeenth Legislative Assembly of the State of Montana and Without Compliance with Said Chapter, and to Authorize the Payment of the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all Warrants heretofore drawn on the Poor Funds of any first or second class county in the State of Montana for services actually rendered, or for goods or materials actually furnished, which Warrants were drawn and registered since the Passage and Approval of Chapter 209 of the Session Laws of 1921, enacted by the Seventeenth Legislative Assembly of the State of Montana and without compliance with said Chapter, are hereby declared valid and subsisting claims against said County Poor Funds; and the payment of all such Warrants in the order of their Registration is hereby authorized.

Warrants drawn on poor funds declared valid.

Payment.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 30.

An Act Establishing and Defining the Boundary Line Between Yellowstone and Carbon Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the boundary line between Yellowstone County and Carbon County of the State of Montana, be, and the same is hereby established and shall hereafter be known as follows:

Beginning at that point on the Yellowstone River where the west line of section twenty-one (21), township two (2) south, range twenty-four (24) east, intersects the said river, thence south along the west line of section twenty-one (21) and the west line of sections twenty-eight (28) and thirty-three (33) in said township to that point on the Clark Fork River where it is intersected by said line; thence in a southwesterly direction along the said Clark Fork River to that point thereon where it is intersected by the west line of section eight (8), township three (3) south, range twenty-four (24) east; thence south along the west line of said section eight (8), and the west line of sections seventeen (17) and twenty (20) of said township to the southwest corner of said section twenty (20) township three (3) south, range twenty-four (24) east; thence east along the south line of sections twenty (20) and twenty-one (21) of said township to the southeast corner of said section twenty-one (21) of township three (3) south, range twenty-four (24) east; thence south along the west line of sections twenty-seven (27) and thirty-four (34) of said township to the southwest corner of said section thirty-four (34), township three (3) south, range twenty-four (24) east; thence east along the south line of said township to the southeast corner thereof; thence south along the line between ranges twenty-four (24) and twenty-five (25) east to the southeast corner of section twenty-four (24) township four (4) south, range twenty-four (24) east; thence east along the north line of sections thirty (30) and twenty-nine (29),

Change of
boundary line
between Yellow-
stone and Carbon
counties.

Description of
line.

township four (4) south, range twenty-five (25) east to an intersection with the west boundary line of the Crow Indian Reservation, township four (4) south range twenty-five (25) east; this point being common to the boundary lines of Carbon County, Yellowstone County and Big Horn County.

Section 2. The boundaries of Yellowstone County are hereby altered to conform to the boundaries of Carbon County as established by this Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 31.

An Act to Provide for the Prevention of the Introduction and Spread of Disease Among Livestock, Including Poultry, Dogs and Other Animals; Authorizing the Governor to Issue a Proclamation Designating the Territory in Which Such Disease May Exist and Forbidding the Importation Therefrom, Except under Certain Restrictions, of any such Livestock, Poultry, Dogs, or Other Animals, and of any Article or Commodity Likely to Convey such Disease, and Prescribing Penalties for the Disobedience of such Proclamation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever the Governor has good reason to believe that any disease dangerous or inimical to the livestock or poultry industry, or dangerous to dogs or other animals, had become epidemic in certain localities in any other State, Territory, District of Columbia, or other country, he shall issue a proclamation designating such localities, and prohibiting the importation therefrom into this State, except under such restrictions as he may deem proper, of any livestock, poultry, dogs or other animals, or articles, or commodities likely to convey such disease or diseases.

Governor to prohibit by proclamation importation of diseased animals.

Section 2. Any person who, after the publication of such proclamation knowingly receives any livestock, dog, fowl, or other animal, or article, or commodity designated in such proclamation as likely to convey dis-

Penalty for violation.

ease from any of the prohibited districts, and transports or conveys the same within the limits of this State, is punishable by imprisonment in the county jail, for not less than 60 days, nor more than 8 months, and by a fine of not less than \$300.00, nor more than \$5000.00, or by both such fine and imprisonment, and is further liable for any and all damages and loss that may be sustained by any person or persons by reason of the disobedience of such proclamation.

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 32.

An Act Authorizing the State Treasurer of the State of Montana to Discontinue the Carrying of the Veterans Welfare Interest and Sinking Fund and Authorizing the State Treasurer to Transfer All Moneys in Said Fund to the General Fund of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Treasurer of the State of Montana is hereby authorized to discontinue the maintenance of the Veterans Welfare Interest and Sinking Fund, and to transfer all money in said fund after redeeming all outstanding bonds, as well as all receipts after December 31, 1924, to the General Fund of the State of Montana.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

Transfer of Veterans' Welfare fund to general fund.

CHAPTER 33.

An Act to Authorize the State Treasurer of the State of Montana to Discontinue the Carrying of the Capitol Annex Bond Fund and to Authorize the State Treasurer of the State of Montana to Transfer All Moneys from Said Fund to the Capitol Building Interest and Sinking Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Treasurer of the State of Montana is hereby authorized to discontinue the maintenance of the Capitol Annex Bond Fund and to transfer all funds now in the Capitol Annex Bond Fund to the Capitol Building Interest and Sinking Fund.

Transfer of
Capitol Annex
bond fund.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 34.

An Act to Amend Section 2645 of the Revised Codes of Montana of 1921, Relating to the Disposition of the Fees Collected by the State Board of Health.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2645 of the Revised Codes of Montana of 1921, be, and the same hereby is amended to read as follows:

“Section 2645. The fees collected by the State Board of Health under this Act shall be turned over to the State Treasurer who shall place them in the General Fund of the State of Montana.”

Section 2. All moneys now in the State Board of Health Maintenance Fund, not heretofore specifically appropriated, for any other purpose, shall be turned over by the State Treasurer to the General Fund of the State of Montana.

Transfer of
State Board of
Health maintenance fund.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 35.

An Act to Authorize the State Treasurer of the State of Montana to Discontinue the Carrying of the Biological Station Maintenance Fund, and Authorizing the State Treasurer to Transfer the Money in Said Fund to the University Interest and Income Fund of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Transfer of
Biological Station
maintenance
fund.

Section 1. That the State Treasurer of the State of Montana is hereby authorized to discontinue the carrying of the Biological Station Maintenance Fund and is hereby authorized and directed to transfer whatever money is now in said fund to the University Interest and Income Fund of the State of Montana.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 36.

An Act to Authorize the State Treasurer of the State of Montana to Discontinue the Carrying of the Anti-Hog-Cholera Serum Fund, and Authorizing the State Treasurer to Transfer the Money in Said Fund to the General Fund of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Transfer of
Anti-hog-cholera
Serum fund.

Section 1. That the State Treasurer of the State of Montana is hereby authorized to discontinue the carrying of the Anti-Hog-Cholera Serum Fund and is hereby authorized and directed to transfer whatever money is now in said fund to the General Fund of the State of Montana.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 37.

An Act to Repeal Section 4208 of the Revised Codes of Montana of 1921, Relating to the State Gasoline Inspection Fund and Authorizing the State Treasurer to Transfer the Balance Now Therein to the General Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4208 of the Revised Codes of Montana of 1921, be, and the same is hereby repealed.

Section 2. That the State Treasurer of Montana is hereby authorized to transfer all moneys now in the State Gasoline Inspection Fund to the General Fund.

Transfer of
State Gasoline
Inspection fund.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 38.

An Act to Amend Section 3202 of the Revised Codes of Montana of 1921, Providing Penalties for the Possession or Control, Also the Sale, Bartering, Exchange, Distribution or Disposition to the Persons Named of Certain Narcotic Drugs Contrary to the Provisions of Sections 3189 to 3201, Inclusive, of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3202 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 3202. Any person, either principal or agent

Penalty for
possession or
control of
drugs.

except such persons as are duly authorized by law, having possession or control of any drug mentioned in Sections 3189 to 3201, both inclusive, of the Revised Codes of Montana of 1921, shall, upon conviction, be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Three Thousand Dollars (\$3000.00), and by imprisonment in the State Prison for not less than one year, nor more than five years.

Penalty for sale
to person over
18 years.

Any person, either principal or agent, who sells, barter, exchanges, distributes, gives away, or in any manner disposes of any of the drugs mentioned in Sections above designated to a person over the age of eighteen (18) years, contrary to the provisions of said sections of the Revised Codes of Montana of 1921, shall upon conviction, be punished by a fine of not less than One Thousand (\$1000.00), nor more than Three Thousand Dollars (\$3000.00), and by imprisonment in the State Prison for not less than five (5) years, nor more than ten (10) years.

Penalty for sale
to persons under
18 years.

Any person, either principal or agent, who sells, barter, exchanges, distributes, gives away, or in any manner disposes of any of the drugs mentioned in the sections above designated, contrary to the provisions of said sections of the Revised Codes of Montana of 1921, to any person of the age of eighteen (18) years, or under, shall upon conviction be punished by imprisonment in the State Prison for not less than five years nor more than life."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 39.

An Act to Amend Section 9732 of the Revised Codes of the State of Montana of 1921, Relating to When an Appeal May Be Taken to the Supreme Court of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9732 Revised Codes of Mon-

tana, 1921, be and the same is hereby amended to read as follows:

“Section 9732. When appeal may be taken. An appeal may be taken:

1. From a final judgment in an action or special proceeding commenced in the court in which the same is rendered within six months after the entry of such judgment. When appeal may be taken.
From court where rendered.
2. From a judgment rendered, on an appeal from an inferior court, within ninety days after the entry of such judgment. An appeal from inferior court.
3. From an order granting a new trial; from an order granting, dissolving, or modifying an injunction; from an order refusing to grant, dissolve, or modify an injunction; from an order dissolving or refusing to dissolve or modify an attachment; from an order changing or refusing to change a place of trial; from an order appointing or refusing to appoint a receiver, or giving directions with respect to a receivership, or refusing to vacate an order appointing or affecting a receiver; from an order directing the delivery, transfer, or surrender of property; from any special order made after final judgment; from an interlocutory judgment or order in actions for partition of real property, and from an order confirming, changing, modifying, or setting aside the report in whole or in part of the referees in actions for partition of real property, within sixty days after the order or interlocutory judgment is made and entered in the minutes of the court filed with the clerk. In any of the cases mentioned in this subdivision the supreme court, or a judge thereof, may stay all proceedings under the order appealed from on such conditions as may seem proper. Appeals from orders.
4. From the judgment or orders mentioned in subdivision 3 of the next preceding section, within sixty days after the judgment or order is made or entered, or filed with the clerk. Time limit.

Section 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 40.

An Act Amending Sections 4056 and 4061 of the Revised Codes of Montana of 1921, and Making the Commissioner of Agriculture, of the Department of Agriculture, Labor and Industry, of the State of Montana, Ex-Officio Real Estate Commissioner and Provide for the Distribution of the Fees Connected Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4056, of the Revised Codes of Montana, be, and the same is hereby amended to read as follows:

Commissioner
of agriculture
ex-officio real
estate com-
missioner.

“Section 4056. The Commissioner of Agriculture of the Department of Agriculture, Labor and Industry, of the State of Montana, shall be ex-officio Real Estate Commissioner, with no additional compensation and shall be charged with the duty of enforcing the provisions of Chapter 265 of Part 3 of the Political Code, of the Revised Codes of Montana of 1921, and all other laws of the State, now or hereafter, enacted for the regulation of Real Estate Brokers.”

Section 2. That Section 4061, of the Revised Codes of Montana, be, and the same is hereby amended to read as follows:

Fees and col-
lections to be
paid to state
treasurer.

“Section 4061. All fees and collections paid to the Commissioner by any person, under the provisions of this Act, shall be by him paid to the State Treasurer on the tenth and twenty-fifth days of each calendar month, and shall be placed by the State Treasurer in the General Fund of the State of Montana.”

Section 3. All Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 4. This Act shall be effective immediately after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 41.

An Act to Amend Section One of Chapter 49 of the Session Laws of 1923; as Amending Section 860 of the Revised Codes of Montana of 1921, Relating to Refunding Fare to Students.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 49 of the Session Laws of 1923 as amending Section 860 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 860. Refunding Fare to Students. The State Board of Education, subject to such rules and regulations as said board may hereafter adopt thereon, is authorized to provide for the refund of the amount of necessary fare, less Fifteen (\$15.00) Dollars, paid by any student in regular attendance at any of the institutions of the University of Montana for traveling, once each year, from his place of residence, in the State of Montana by the most direct route of travel, to the said institution and return.”

Refund for
round trip over
\$15.00.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 24, 1925.

CHAPTER 42.

An Act to Amend Section 6 of Chapter 41 of the Session Laws of the Eighteenth Legislative Assembly of Montana of 1923, Relating to the Settlement by the Department of Agriculture of the Affairs of Insolvent Warehousemen and Others.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6 of Chapter 41 of the Session Laws of the Eighteenth Legislative Assembly of Montana of 1923 be amended, and the same is hereby amended to read as follows:

“Section 6. That Chapter 254 of Part Three of the Political Code of the Revised Codes of Montana of 1921,

be and the same is hereby amended by adding thereto one new section to be known as Section 3589 (a), which shall read as follows:

Section 3589 (a). Whenever any warehouseman, grain dealer, track buyer, broker, agent or commission man is found to be in a position where he cannot, or where there is a probability that he will not meet in full all storage obligations or other obligations resulting from the delivery of grain, it shall be the duty of the Department of Agriculture, through the Division of Grain Standards, to intervene in the interests of the holders of warehouse receipts or other evidences of delivery of grain for which payment has not been made, and the Department of Agriculture shall have authority to do any and all things lawful and needful for the protection of the interests of the holders of warehouse receipts or other evidences of the delivery of grain for which payment has not been made, and when examination by the Department of Agriculture shall disclose that for any reason it is impossible for any warehouseman, grain dealer, track buyer, broker, agent or commission man to settle in full for all outstanding warehouse receipts or other evidences of delivery of grain for which payment has not been made, without having recourse upon the bond filed by said warehouseman, grain dealer, track buyer, broker, agent or commission man, it shall then be the duty of the Department of Agriculture for the use and benefit of holders of such unpaid warehouse receipts or other evidences of the delivery of grain for which payment has not been made, to demand payment of its undertaking by the surety upon the bond in such amount as may be necessary for full settlement of warehouse receipts or other evidences of delivery of grain for which payment has not been made. It shall be the duty of the Attorney General or any county attorney of this state to represent the Department of Agriculture in any necessary action against such bond when facts constituting grounds for action are laid before him by the Department of Agriculture."

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved Feb. 24, 1925.

Department of agriculture to intervene when obligations cannot be met.

Authority of department.

Action on bond.

Attorney general and county attorney to represent department.

CHAPTER 43.

An Act to Amend Section 2038 of the Revised Codes of Montana of 1921 Relating to Traveling Expenses of Assessors and Their Deputies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2038 of the Revised Codes of Montana of 1921 be amended to read as follows:

“Section 2038. The assessor and his deputies in each county in this state shall be paid the actual and necessary traveling expenses by them incurred, not to exceed fifty dollars each, in any one month, during the months of March, April, May and June of each year, while in the performance of official duty, upon presenting and filing a verified claim thereof, supported by vouchers, for each item of expense, to the Board of County Commissioners of their respective county.”

Assessors to
receive traveling
expenses not
to exceed \$50.00
per month.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feb. 24, 1925.

CHAPTER 44.

An Act to Amend Sections 9, 32, 34, 35, 37, 40, 41, 48, 82, 90, 96, 97, 98, 99, 103, 105, 106, 126, 127, 129 and 130 of Chapter 160 of the Laws of the Eighteenth Legislative Assembly of the State of Montana, Session Laws of 1923, Relating to the Consolidation and Merging of the Corporate Existence and Government of the County of Silver Bow and All Cities and Towns Therein Into One Municipal Corporation and Government, the Said Amendments Providing for the Election of the City and County Attorney or Director of Law, the Sheriff or Head of the Department of Police, and the Assessor, Fixing the Salaries of the Commission and Other Elective Officers, Regulating Elections to Be Held in Such Consolidated Municipality and Establishing an Electoral Board, Changing the Qualifications of the Police Judge, Providing for the Appraisement of the Property of the Cities and Towns

Merged Under This Act and Fixing the Status of Their Indebtedness at and After Such Merger.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

Compensation
for members.

“Section 9. The commission may by ordinance provide compensation for its members to be paid in equal monthly or quarterly installments; but the total amount of any such compensation for each member, except the president, shall not exceed Eighteen Hundred (\$1800.00) Dollars per year. The compensation of the president shall not be less than that of other members of the commission and may be fixed at a rate not more than twenty per centum (20%) in excess of that provided for such other members. Any member absent from a regular or regularly called meeting of the commission, except on leave of the commission or on account of his own illness, shall forfeit one per centum (1%) of his annual compensation for each such absence. Absence from all regular meetings for a period of ninety days shall operate to vacate the seat of a member unless such absence be authorized by the commission. In addition to any compensation authorized by this section, each member of the commission shall receive ten cents per mile for any distance, in excess of ten miles, necessarily traveled in going from and returning to his residence because of attendance upon a regular, or regularly called meeting of the commission.”

Absent
members.

Mileage of
members.

Section 2. That Section 32 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

Duties of
manager.

Supervise ad-
ministration.

Enforce laws.

Recommendations to com-
mission.

Financial
conditions.

“Section 32. It shall be the duty of the manager to supervise the administration of the affairs of the municipality; to see that the ordinances of the municipality and the laws of the state are enforced; to make such recommendations to the commission concerning the affairs of the municipality as may seem to him desirable; to keep the commission advised of the financial conditions and future needs of the municipality; to prepare and submit to the commission such reports as may be

required by that body; and to perform such other duties as may be prescribed by this Act or be required of him by ordinances or resolutions of the commission.”

Reports.

Section 3. That Section 34 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

“Section 34. There shall be a department of law, a department of finance, a police department, a department of public works, a department of health, a fire department and such other departments and offices as may be established by ordinance. The commission may change or abolish any department or office established by ordinance and may prescribe, combine, distribute or discontinue the functions and duties thereof. Additional functions and duties may be assigned by ordinance to departments and offices established by this Act, but no function or duty assigned by this Act to any such department or office shall be discontinued or assigned to any other department or office. If the manager so recommend, and the commission so authorize, the manager may appoint one person to act, or may himself act, as the head of two or more departments or offices; but neither the department of law nor the police department, nor the office of assessor, shall thus be joined with any other department, nor shall the manager be authorized to act as head of either of said departments or offices, or of the department of finance, nor shall he be permitted to conduct any office in said department of finance other than that of purchasing agent.”

Departments.

Power of commission over departments.

Additional functions and duties.

Can authorize manager to act as head of departments.

Section 4. That Section 35 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

“Section 35. The number of assistants or other subordinates to be employed in or by each administrative department or office shall be fixed by the commission or by the manager under direction of the commission; provided that nothing herein contained shall authorize said commission or manager to reduce the number of deputies allowed by the general laws of the State to the officers of said municipality performing the duties of county attorney, sheriff and assessor.”

Assistants.

Proviso.

Section 5. That Section 37 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

Compensation of officers and employees.

Schedule of Compensation.

Proviso.

“Section 37. The compensation of officers and employees in the administrative service of the municipality shall be fixed by ordinance; but all positions in such service except those of heads of departments and heads of offices not included within regular departments, shall, for purposes of compensation, be graded and classified by the manager according to duties and responsibilities. The commission shall by ordinance establish a schedule of compensation for the positions so graded and classified which shall prescribe uniform compensation for like service as determined by the grading and classification of the manager. Such schedule of compensation may establish a minimum and maximum for any grade, and an increase in compensation within the limits provided for any grade may be granted by the manager upon the basis of efficiency and seniority. Provided, however, that no such ordinance shall authorize the reduction of any salaries fixed herein or by the general laws of the State for the officers of said municipality performing the duties of county attorney and his deputies, sheriff and his deputies, and assessor and his deputies.”

Section 6. That Section 40 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

Department of law.

Attorney.

Qualifications.

How elected.

Term and salary.

Powers and duties.

“Section 40. The department of law shall be in charge of a director who may be styled City and County Attorney; he shall be a resident elector of the City and County of Butte, at least thirty (30) years of age, and a member of the bar of this State in good standing; he shall be elected by the electors of said municipality at the same time and in the same manner as members of the commission are elected, shall hold office for two years, and shall receive an annual salary of Four Thousand (\$4000.00) Dollars, including any amount paid by the State; he shall have all the powers, either personally or by such deputies or assistants as he may designate, and shall perform all the duties that now are or hereafter may be prescribed by law for county attorneys and for public administrators, and in addition thereto he shall be the chief legal advisor of and attor-

ney and counsel for the municipality and all departments and offices thereof, and shall perform such other legal duties as may be required by the commission."

Section 7. That Section 41 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

"Section 41. The director of finance shall have charge of the administration of the financial affairs of the municipality, including the keeping and supervision of all accounts; the custody and disbursement of municipal funds and moneys; the issuance of licenses; the collection of license fees; the control over expenditures, the purchase, storage and distribution of supplies needed by the municipality; and such other duties as the commission may by ordinance require. Except as herein otherwise provided, he shall also have all powers and perform all duties imposed upon county clerks, recorders and auditors by general law."

Director of finance.

Powers and duties.

Section 8. That Section 48 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

"Section 48. The assessment of all property within the municipality shall be performed by the assessor thereof; the assessor shall be elected by the electors of said municipality at the same time and in the same manner as members of the commission are elected; he shall possess all the qualifications prescribed by the general laws of the State for county assessors; he and his deputies shall have the powers and shall qualify in the manner prescribed by general law for county assessors and deputy assessors; he shall perform all the duties prescribed by the general laws of the State for county assessors, and in addition thereto such other duties as may be prescribed by this Act; he shall hold office for two years and receive an annual salary of Three Thousand Five Hundred (\$3500.00) Dollars."

Assessor.

Election.

Qualifications.

Duties.

Term and salary.

Section 9. That Section 82 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

"Section 82. The police department shall be in charge

Police department elected.

Qualifications.	of a director who may be styled the sheriff; he shall be elected by the electors of the municipality at the same time and in the same manner as members of the commission are elected; he shall possess all the qualifications prescribed by general law for sheriffs, shall hold office for two years, and shall receive an annual salary of Five Thousand (\$5000.00) Dollars; he shall be chief of the police force of the municipality, and shall also have the powers and perform the duties prescribed for sheriffs by the general laws of the State. Officers and patrolmen of the police department, subordinate to the director shall have the powers and perform the duties conferred on and required of policemen in cities and towns by the laws of the State, such powers and duties as may be conferred and required by the ordinances of the City and County of Butte, and shall also have the powers and perform the duties by law conferred on and required of deputy sheriffs. The provisions of the Metropolitan Police Laws of the State shall be in full force and effect so far as practicable under this Act."
Term and salary. .	
Powers and duties.	
Metropolitan police laws.	

Section 10. That Section 90 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

Police court.	"Section 90. A police court is hereby established in and for the City and County of Butte, with jurisdiction, powers and duties within the municipality provided by general law for police courts in cities and towns. The commission shall by a majority vote of all its members appoint a police judge to serve during the pleasure of the commission; no person shall be appointed police judge unless at least twenty-five (25) years of age; the compensation of police judge shall be fixed by the commission. Provided that nothing herein contained shall be construed as in any wise interfering with the existence, election, powers or duties of justices of the peace as provided by the general laws of this State."
Powers and duties.	
Police judge.	
Qualifications.	
Compensation.	
Proviso.	

Section 11. That Section 96 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

Adoption of 'his act.	"Section 96. For any election held on the question of the adoption of this Act and for the first election of officers thereunder adopted, the county clerk and
Election.	

board of county commissioners of Silver Bow County shall exercise the powers and perform the duties respecting elections prescribed for county clerks and boards of county commissioners by the general laws of the State. After the adoption of this Act by the electors of the county and the first election of officers hereunder, all the duties prescribed by the general laws of this State relating to the registration of electors, shall devolve upon the clerk of the commission, and all the powers and duties of city and county clerks, boards of aldermen and county commissioners, relating to elections under the general laws of this State shall devolve upon an Electoral Board, constituted as hereinafter provided; except as otherwise provided in this Act all the provisions of the general laws of this State relating to elections shall apply to all elections held within the City and County of Butte."

Powers and duties after adoption of this act.

Electoral board.

General laws of state relating to elections shall apply in Butte.

Section 12. That Section 97 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

"Section 97. There shall be an Electoral Board for the municipality consisting of two members who, with the clerk of the commission, shall comprise the Electoral Board. The said members shall be elected for a term of four years, provided, however, that at the first election after the adoption of this Act one member shall be elected for a term of two years and one shall be elected for a term of four years (candidates shall designate the term desired when filing); after which one member of said Electoral Board shall be elected every two years, for a term of four years. No member of the Electoral Board shall be employed by the municipality in any other capacity while holding such office. It shall be the duty of the Electoral Board to divide the municipality into election precincts, each to include not more than five hundred qualified electors. The Electoral Board shall appoint three judges in each precinct, all to be qualified electors and all over twenty-five (25) years of age, and one of opposite political faith from the other two. Precinct judges shall appoint two clerks of opposite political faith. The Board shall, for the period of forty (40) days next preceding any election, have general supervision of the registers and precinct poll books and it shall be their duty to purge therefrom and from

Electoral board.

Term of office.

Proviso.

Election precincts.

Supervision over registers and precinct poll books.

Control over
elections.

Canvass returns.

Certificates of
election.

Election of
members of the
board.

all published lists of electors all names improperly appearing thereon; the said Board shall also have exclusive control, subject to the provisions of the general laws of the State, of the holding of elections, canvassing of returns and the issuing of certificates of election. Within five (5) days after an election the said Board shall meet to canvass returns and shall issue the certificates of election required by law; such meetings shall be open to the public, and in the case of a tie vote the said Electoral Board shall cast lots among those persons having tie votes, to decide the result. The two members of said Board to be elected shall be electors of the municipality at the time of their election, and shall be not less than twenty-five years of age; they shall be paid Ten (\$10.00) Dollars per day for such time as they are actively employed in the preparation of elections, the conduct of elections, the canvassing of election returns, and the issuing of certificates of such elections, and shall receive no other compensation. Additional rules and regulations governing the services and functions of the said Electoral Board and providing the necessary equipment therefor may be provided by ordinance."

Section 13. That Section 98 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

Municipal
primary election.

"Section 98. A municipal primary election for the choice of officers to be elected under this Act shall be held on the last Tuesday of April next following the adoption of this Act by the voters of Silver Bow County and on the last Tuesday in April of every second year thereafter. All candidates for the commission receiving a majority of the votes cast at the municipal primary election shall be deemed and declared elected to the commission. A municipal election shall be held on the first Tuesday in June next following the primary election to fill the remaining places on the commission and elect the other officers provided for herein. At all municipal elections the polls shall be open from 8 a. m. to 6 p. m."

Municipal
election.

Section 14. That Section 99 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

"Section 99. Any elector of the City and County of Butte eligible to any office of the municipality to be filled by election may be placed in nomination therefor by petition filed with the clerk and signed by at least three hundred (300) electors of the municipality. The signatures to a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his name in ink or indelible pencil, and, after his name, shall designate his residence by street and number or other description sufficient to identify the place, and give the date when his signature was made. No elector shall sign petitions for more candidates for any office than the number of places to be filled therein at the forthcoming primary election."

Petition of
300 electors.

Affidavit.

Section 15. That Section 103 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

"Section 103. At two o'clock P. M. on the tenth day before any election at which officers of the municipality are to be chosen, the Electoral Board shall publicly determine by lot the order in which names of candidates for election shall be printed on the ballots or appear on any voting machine, to be used at such election."

Order of names
of candidates.

Section 16. That Section 105 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

"Section 105. On the tenth day prior to the municipal primary election, the Electoral Board shall cause notice thereof to be published in such daily newspaper, or newspapers, of general circulation in the municipality as the said Board may have designated. In case the said Board shall fail to designate such newspaper or newspapers, the clerk shall cause the notice to be published in such newspaper, or newspapers, of general circulation in the municipality as he may select. Such published notice shall contain a list of the candidates nominated as hereinbefore provided, and state the time of holding the election. On the fifth day prior to a municipal election

First notice
by publication.

List of candidates
and time of
election.

Second notice
by publication.

held on the first Tuesday in June, the Electoral Board or the clerk, under like conditions, shall cause a similar notice to be published concerning that election. The Electoral Board may also provide for giving notice of such elections by other means."

Section 17. That Section 106 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

Names to be
on ballots.

City and
county attorney.

Sheriff.

Assessor.

Electoral board.

Commission.

Tie vote.

"Section 106. At any municipal election held for the choice of officers of the municipality to be elected under this Act, and following a municipal primary, there shall be printed on the ballots and placed on the voting machines the names of the two candidates who at said primary received the highest number of votes for City and County Attorney, and the names of the two candidates who at said primary received the highest number of votes for sheriff, and the names of the two candidates who at said primary received the highest number of votes for assessor; and the names of the two candidates who at said primary received the highest number of votes for members of the Electoral Board, if there be two or more candidates for the respective offices voted for at said primary election; except at the first election the names of the four candidates for members of the Electoral Board, if there be so many voted for at the primary election, receiving the highest number of votes shall be placed upon the ballot; there shall also be printed on the ballots and placed on the voting machines the names of the candidates for members of the commission who at said primary received the highest number of votes, except the names of those elected at said primary, and the number of names so printed on the ballots and placed on the voting machines shall be double the number of places remaining to be filled in the commission. If, by reason of their having received the same number of votes, it cannot be determined which of two or more candidates shall have his name, or their names, printed on the ballots or places on the voting machines, then, notwithstanding the foregoing provisions of this section, the names of all such candidates receiving the same number of votes shall be printed on the ballots and placed on the voting machines. The candidates for the commission at an election held on the first Tuesday in June, equal in number to the places remain-

ing to be filled in the commission, who receive the highest number of votes, shall be declared elected. A tie between two or more candidates shall be decided by lot in the presence of such candidates and under the direction of the Electoral Board."

Tie vote to be determined by lot.

Section 18. That Section 126 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

"Section 126. The members of the board of county commissioners of Silver Bow County, and the members of any city or town within the county, holding office on the fifteenth day of April next preceding the first election of a commission under the provisions of this Act, shall continue in office and in the performance of their duties until such commission shall have been elected and have qualified, whereupon such board of county commissioners and all such city and town councils shall be deemed abolished. All other persons holding offices or positions, whether elective or appointive, under the government of such county, or under the government of any city or town therein, at the time of the adoption of this Act, shall continue in the performance of the duties of their respective offices and positions, until such duties are assumed by officers duly appointed or elected and qualified under the provisions of this Act. Provided, that nothing in this Act contained shall be construed as in anywise affecting the election, tenure of office, powers, duties or compensation of the Clerk of the District Court, but the compensation of said Clerk of the District Court and his deputies shall be charges upon and be paid by said City and County of Butte."

When duties of present commission shall cease.

When duties of all other officers shall cease.

Provido.

Section 19. That Section 127 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

"Section 127. Upon the adoption of this Act by the voters of the county, and the election and qualification of a commission thereunder, the separate corporate existence and government of Silver Bow County and of each and every city and town therein shall be deemed consolidated and merged into the municipality established by this Act, which shall succeed to, possess and own all the property and assets and shall, save as herein

When deemed consolidated.

Title to property.	otherwise provided, become responsible for all obligations and liabilities of the county, cities and towns as consolidated and merged. The City and County of Butte shall, immediately upon the adoption of this Act by the electors thereof, succeed to, possess and own all the property of the County of Silver Bow, all the property of the city of Butte, and all the property of the city of Walkerville, including choses in action; but as soon thereafter as may be possible the commission must, through the City and County Attorney, petition the district court of said county to appoint three appraisers to fix the value of said property. Upon the filing of said petition the said Court shall appoint three competent persons resident in the county, as appraisers to ascertain and determine the value of said property, and shall specify the time and place of the first meeting of such appraisers. The word "property" or "properties" as used herein shall not, for purposes of appraisement or compensation, include streets, alleys, roads, public parks, playgrounds, or sewers. The appraisers must, before entering upon their duties, severally take and subscribe an oath before some person qualified to administer oaths, to faithfully, honestly and impartially discharge the duties of their appointment, and shall each receive the sum of \$10.00, payable out of the treasury of said municipality, for every day actually and necessarily employed in said appraisal. Within twenty days after their appointment and qualification, the said appraisers must file a verified report showing separately the value of all the property of the city of Butte, and the value of the property of the city of Walkerville, to which the City and County of Butte succeeded and became entitled, in virtue of the adoption of this Act, except as hereinbefore set forth. Any tax payer of the municipality may, within five (5) days after the report is filed, object to the same on the ground that the appraisement so made is too high or too low, or that property which should have been appraised is not included in the property appraised, or that property included in the property appraised did not belong either to the city of Butte or to the city of Walkerville or to the County of Silver Bow. The District Court must, within fifteen (15) days after the report is filed, hear the testimony of witnesses concerning the correctness thereof, and following such hearing may, in its discretion, confirm or reject the same; if the Court reject the report it shall,
Three appraisers to be appointed to appraise all consolidated property.	
Meaning of word "property."	
Appraisers to be under oath.	
Compensation for appraisers.	
Verified report.	
Objections of tax payers.	
District court to hear testimony on objections.	
Rejection.	

itself, from the facts in its possession, make an appraisal of all the property which belonged to the city of Butte, to the city of Walkerville, and the County of Silver Bow, up to the time of the adoption of this Act, except as hereinbefore set forth, and render its judgment accordingly; and the action of the court in that behalf shall be deemed final, except in case of manifest error or abuse of discretion. When the report of the appraisers is confirmed by the court, or when the court itself shall have made the appraisal, the City and County of Butte shall be responsible for the payment of so much of the indebtedness of the present city of Butte as equals the appraised value of the property owned by it at the adoption of this Act, and shall be responsible for the payment of so much of the indebtedness of the city of Walkerville as equals the appraised value of the property owned by it at said time, and the indebtedness of the city of Butte and the indebtedness of the city of Walkerville shall be reduced to the extent of the appraised value of the property held and owned by them respectively at said time. Thereafter, and on the second Monday in August of each year, the commission shall levy upon the property in the district comprised within the present boundaries of the city of Butte, a tax, in addition to all other taxes, for the purpose of paying the interest on the then existing indebtedness of the city as it falls due, and the indebtedness itself as it matures, and no other property within the county shall be taxable or made liable for the payment of such indebtedness or the interest thereon; the proceeds of such tax levy shall be kept in a separate fund and shall be used only for the purpose for which the levy was made, except as hereinafter provided. And on the said second Monday in August of each year, the said commission shall levy upon the property within the district comprised within the boundaries of the city of Walkerville, a tax, in addition to all other taxes, for the purpose of paying the interest on the indebtedness of said city as it falls due, and the indebtedness itself as it matures, and no other property within the county shall be taxable or made liable for the payment of such indebtedness or the interest thereon; the proceeds of such tax levy shall be kept in a separate fund and shall be used only for the purpose for which the levy was made, except as hereinafter provided. The taxes levied under the provisions of this section shall be collected and paid

Decision of court final except in case of abuse of discretion and error.

Responsibility of indebtedness.

Commission shall levy tax to pay interest on indebtedness then existing.

Separate fund for taxes.

Tax to pay interest as indebtedness becomes due.

Separate tax fund.

Taxes, how paid. in the manner, at the time and under the penalties prescribed by law for the collection and payment of state and county taxes.”

Section 20. That Section 129 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

Submission of act to electors.
Petition of 1500 electors.
Verification of petition.
County commissioners to fix day of election.

“Section 129. The question of the adoption of this Act shall be submitted to the electors of the county if a petition, signed by at least fifteen hundred (1500) electors thereof requesting such submission, be filed with the County Clerk. Any such petition shall be signed and filed, and shall be verified by the Clerk, in the manner prescribed in this Act for the signing, filing, and verification of a referendum petition. If the County Clerk find that any such petition, or amended petition, so filed, is signed by the required number of electors, he shall so certify to the board of county commissioners at their next meeting, and such board shall thereupon order and fix a day for holding such election which shall not be less than forty nor more than one hundred days after receipt of the Clerk’s certificate.”

Section 21. That Section 130 of Chapter 160 of the Session Laws of the State of Montana, Eighteenth Session, 1923, be and the same is hereby amended to read as follows:

“Section 130. Voting on the question of the adoption of this Act by the electors of the county shall be by printed ballot only, and the ballots shall be in form substantially as follows:

Form of ballot.

SHALL CHAPTER 160 OF THE MONTANA SESSION LAWS OF 1923, AS AMENDED BY CHAPTER OF THE SESSION LAWS OF 1925, BEING AN ACT TO PROVIDE FOR THE CONSOLIDATION AND MERGER INTO ONE MUNICIPAL CORPORATION AND GOVERNMENT OF THE COUNTY OF SILVER BOW AND ALL CITIES AND TOWNS THEREIN, BE ADOPTED?

YES.

NO.

Section 22. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 26, 1925.

CHAPTER 45.

An Act to Amend Section 3385 of the Revised Codes of Montana 1921, Relating to Animals Running at Large Within Herd-Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3385 of the Revised Codes of the State of Montana, 1921, be, and the same is hereby amended to read as follows:

“Section 3385. Unlawful for Stock to Run at Large Within Herd-Districts. Penalty. Any person who is the owner, or entitled to the possession of any horses, mules, cattle, sheep, or goats, who shall wilfully permit same to run at large within any Herd-district, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than one dollar, nor more than five dollars for each offense; and each day that each five head, or less, of such horses, mules, cattle, sheep, or goats, are wilfully permitted to run at large shall constitute a separate offense.

Misdemeanor
for animals to
run at large.

Penalties.

Any person, who is the owner, or entitled to the possession of any bull over one (1) year of age who shall wilfully permit same to run at large within any Herd-district shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars for each offense; and each day that such bull be permitted to run at large shall constitute a separate offense.”

Bull at large
within district.

Penalty.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed in so far as is necessary to give effect to this Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 46.

An Act to Amend Sections 7265 to 7364 of the Revised Codes of Montana, 1921, as Amended by Chapter 109 of the Session Laws of the Eighteenth Legislative Assembly by Adding a New Section to Be Known as Section 7265-A, Providing for the Delay or Cessation of the Drainage Works; the Dissolving of Drainage Districts; Stopping Expenses in Connection Therewith; Providing Procedure How Same Shall Be Done, and Apportioning the Costs of the Expense of Such Work, and Debts of Said District.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7265 to 7364 of the Revised Codes of Montana of 1921, as amended by Chapter 109 of the Session Laws of the Eighteenth Legislative Assembly be and the same are hereby amended; by adding the following section to be known as Section 7265-A:

Section 7265-A. Whenever the adult owners of more than one-half of the lands within any drainage district, organized under the provisions of Sections 7265 to 7364 inclusive of the Revised Codes of Montana, 1921, as amended by Chapter 109 of the Session Laws of the Eighteenth Legislative Assembly, shall present to the District Court having jurisdiction of said Drainage District, a petition signed by them, praying that such drainage district be dissolved, the Judge of said Court shall cause notice of such petition, together with a copy of said petition, to be served upon the Commissioners of said District, directing them to show cause on a day certain, not less than fifteen nor more than thirty days from the date of the filing of said petition, why said petition should not be granted. The Judge, at the time of receiving the petition, shall make an order forbidding the commissioners from incurring any further expense, or proceeding with the work of constructing a drain. On said day of hearing the Court shall hear the same, and if it appears that the adult owners of more than one-half of the lands in said drainage district have signed said petition, it shall be granted, and thereupon, the court shall make an order directing the said commissioners to file a written report, under oath, setting forth the amount of the debts and obligations of said drainage district. Within thirty days after such report is filed, the court shall cause to be spread, or spread,

Adult owners
of ½ the lands
to petition to
dissolve district.

Commissioners
to show cause.

Judge to order
further action
by commis-
sioners.

Court to hear
petition.

Commissioners
to file report.

a levy against all lands in said district on the basis of the final report of the commissioners, as confirmed by the Court, and if no final report has been made, then on an area basis, and also enter judgment dissolving said District, and authorize the Commissioners to settle the business of the district on the basis of the final report of said Commissioners or on the area basis as confirmed by this Court, said Commissioners to render their services for same without pay.

Settlement of
business.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 47.

An Act to Amend Sections 2255, and 2257 and Repealing Sections 2256, 2258, 2259, 2260, 2261, 2262, 2263 and 2264 of the Revised Codes of Montana of 1921, Relating to Settlements of the County Treasurer and Providing a Penalty for His Failure So to Do with the State Treasurer and the Report of the County Clerk to the State Auditor Covering Such Settlement.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2255 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 2255. SETTLEMENT OF COUNTY TREASURER WITH STATE TREASURER. The County Treasurer, between the first and twentieth days of each month, must remit to the State Treasurer, all moneys belonging to the State of Montana which were collected by such Treasurer during the preceding month. Such remittance shall be accompanied by a detailed report upon such form as the State Treasurer may prescribe, and for all such moneys by him collected and not remitted by him to the State Treasurer within five days from the time herein required he shall pay interest at the rate of 10% per annum.”

When county
treasurers to
remit.

Detailed report.

Interest.

Section 2. That Section 2257 of the Revised Codes of

Montana of 1921, be and the same is hereby amended to read as follows:

Report of
county clerk to
auditor.

"Section 2257. The County Clerk, between the first and twentieth days of each month, must make a report to the State Auditor in such form as the State Auditor may prescribe, showing specifically the amount of moneys due the State from each particular source of revenue for the collections of the preceding month."

Repeal.

Section 3. That Sections 2256, 2258, 2259, 2260, 2261, 2262, 2263, 2264 and all Acts and parts of Acts in conflict herewith be, and the same are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 48.

An Act to provide for the Support of the Government of the State of Montana for the Years 1925 and 1926.

Be it enacted by the Legislative Assembly of the State of Montana:

Ad valorem
tax $3\frac{1}{2}$ mills
for 1925.

Section 1. There is hereby levied for the state purposes upon all of the property in the state subject to taxation for the year 1925 an ad valorem tax of three and one-half ($3\frac{1}{2}$) mills on each dollar of the taxable valuation of such property as ascertained by taking the percentage of the true and full value provided by law for the purpose of taxation.

Ad valorem tax
 $3\frac{1}{2}$ mills for
1926.

Section 2. There is hereby levied for state purposes upon all of the property in the state subject to taxation for the year 1926 an ad valorem tax of three and one-half ($3\frac{1}{2}$) mills on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation.

Tax of 10-12 of
a mill and how
determined.

Section 3. There is hereby levied upon all property in the state subject to taxation for the year 1925 tenths (10/12) of a mill on each dollar of taxable valuation of such property as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation for the purpose of paying the interest on and to constitute

a sinking fund for the redemption of bonds issued by the State of Montana pursuant to the provisions of the law initiated and approved by the people of the State of Montana at the general election held in November 1920, and entitled: "A Bill to enact by the initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars (\$5,000,000.00) in excess of the Constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore increased or created and for which the State of Montana is now obligated, for the construction, repair and equipment of necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte, and the Montana State Normal School at Dillon comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, the State Vocational School for Girls at Helena; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and interest accruing thereon." (Sections 5606 to 5614, both inclusive, of the Revised Codes of Montana of 1921.)

Sinking fund for redemption of bonds.

\$5,000,000 in excess of constitutional limitation.

Repairs on buildings at educational institutions.

Issuance of bonds.

Levying of a tax to pay principal and interest.

Section 4. There is hereby levied upon all property in the State subject to taxation, for the year 1926, twelfths (10/12) of a mill on each dollar of the taxable valuation of such property as ascertained and determined by taking the percentage of the full and true value provided by law for the purpose of taxation for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana pursuant to the provisions of the law initiated and approved by the people of the State at the general election held in November, 1920, and entitled: "A Bill to enact by the initiative a law to authorize the State of Montana to become indebted in the sum of Five Million Dollars (\$5,000,000.00) in excess of the Constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore increased or created and for which the State of Montana is now

10-12 mills tax.

Law initiated and approved in November of 1920.

obligated, for the construction, repair and equipment of necessary buildings at the several educational institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal School at Dillon comprised in the University of Montana, and the State Orphans' Home at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and interest accruing thereon." (Sections 5606 to 5614, both inclusive, of the Revised Codes of Montana of 1921.)

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 49.

An Act to Amend Section 5216 of the Revised Codes of Montana of 1921, Relating to the Annual Tax Levy of Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5216 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

"Section 5216. Annual Tax Levy. The Council must on or before the second Monday of August of each year, by resolution, determine the amount of the city or town taxes for all purposes, to be levied and assessed on the taxable property in the city or town, for the current fiscal year and the city or town clerk must at once certify to the county clerk a copy of such resolution and the county treasurer must collect said taxes as in this

When council to
determine
amount of city
taxes.

Clerk must
certify.

chapter provided: Provided, that in cities where the council has provided by ordinance for the collection of such taxes by the city treasurer, the city clerk must certify a copy of such resolution to said city treasurer.' Proviso.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 50.

An Act to Amend Sections 7280, 7282, 7283 and 7284 Revised Codes of Montana 1921, and to Add Four New Sections Thereto, to Be Designated as Sections 7283A, 7283B, 7283C and 7283D, All Relating to Commissioners of Drainage Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7280 Revised Codes of Montana 1921, be, and the same is hereby amended so as to read as follows:

"Section 7280. Court to Appoint Commissioners. Qualifications. But if it shall appear that the petition has been so signed, the court or judge shall so find and order any necessary amendments thereto, and shall divide the district into three divisions, as nearly equal in area as possible, and shall appoint three suitable and competent persons as commissioners and fix their temporary bonds. In making such appointments one commissioner shall be appointed from each division and each person so appointed a commissioner must be an actual land owner and resident of the county or counties in the division for which he is appointed such commissioner. If the district is situated in two or more counties, not more than two of said commissioners shall reside in one of said counties. Ownership of land within the district shall not disqualify a person from acting as a commissioner.

Court to order amendments, divide districts, appoint commissioners.

Land owner and resident.

Ten per cent of the adult owners or legally authorized agents or representatives of minor owners of lands within any drainage district heretofore created and organized, and in existence on the date when this Act takes effect,

10% of owners may file petitions to divide districts.

Court to hear
petition.

may file a petition with the proper district court to have such district divided into divisions, and such court must thereupon make an order setting a day for hearing such petition, and cause a copy of such order to be served on each of the commissioners of such district at least five days before the date set for such hearing. On the day fixed in such order, or on any day to which such hearing may be regularly continued, the court must hear such petition, and after such hearing must make an order dividing such district into three divisions, as nearly equal in area as possible."

Term of
commissioners.

Section 2. That Section 7282 Revised Codes of Montana be, and the same is hereby amended so as to read as follows:

"Section 7282. Term of Commissioners. On the creation of a district the commissioners appointed by the judge or court shall hold office until the first Tuesday in May following their appointment, and until their successors are elected. When a district is in existence on the date when this Act takes effect and thereafter an order is made dividing such district into divisions the terms of office of such commissioners shall cease with the Monday immediately preceding the first Tuesday in May next following."

Election of
commissioners.

Term of office.

Section 3. That Section 7283 of the Revised Codes of Montana be, and the same hereby is amended to read as follows:

"Section 7283. The regular election of commissioners shall be held annually on the first Tuesday in April of each year; the term of office of commissioners shall commence on the first Tuesday in May following their election. At the first regular election following the organization of a district, and in districts heretofore organized and in existence on the date when this Act takes effect and which, on petition, has been divided into divisions, as hereinbefore provided, at the first regular election following the date of the order making such division, there shall be elected three commissioners, one commissioner being elected from each division of which he must be an actual land owner and resident of the county or counties; one of such commissioners, to be determined by lot, shall hold office until the first Tuesday in May in the year following his election, another of such commissioners, to be determined by lot, shall

Three commis-
sioners, land
owners.

hold office until the first Tuesday in May in the second year following his election, and the third of such commissioners shall hold office until the first Tuesday in May in the third year following his election; thereafter one commissioner shall be elected each year who shall hold office for a term of three years and until his successor is elected and qualified; provided that the person elected as a commissioner in each year to succeed the commissioner whose term is then expiring must be elected as a commissioner from the same division as the commissioner whom he is to succeed."

When each shall hold office.

One commissioner to be elected each year.

Section 4. That there be added four sections to be designated as Sections 7283A, 7283B, 7283C, 7283D, and which shall read as follows:

"Section 7283A. Notice of Election. Fifteen days before any regular election, the secretary of the board of commissioners shall give notice by mail to all land owners within the district of the time and place of holding the election. Prior to the mailing of such notices the board must, by resolution, designate a polling place and appoint three persons to act as judges and clerks of election in each precinct. The board shall prescribe the form and provide for the printing of the ballots for all elections.

Secretary of board to give notice.

Polling place, judges and clerks.

"Section 7283B. Manner of Conducting Election. Any judge of election may administer any oath required to be administered during the progress of an election. Before the opening of the polls the judges of election must take and subscribe an oath to faithfully perform the duties imposed upon him by law, and such oath may be administered by any elector. The polls shall open at 12 o'clock noon and be kept open until 5 o'clock P. M. when the same shall be closed. Such elections shall be conducted, except as herein otherwise provided, as nearly as practicable in accordance with the provisions of the general election laws of the state, except that no registration shall be required. As soon as the polls are closed the judges shall count and tabulate the votes cast and make out a certificate, to be signed by them, showing the total number of votes cast at the election and the total number cast for each candidate for commissioner, and shall deliver such certificate, with a list of the electors voting at such election to the board of commissioners, and such board of commissioners shall meet on the first Monday following such election and canvass

Conduction of elections.

Opening of polls.

According to general election laws.

Counting of votes.

Certificate.

Canvass of returns.

Clerk to enter
result on minutes.

such returns. The board shall declare elected the person or persons, receiving the highest number of votes. The clerk of the board of directors shall enter the result of such canvass in the minutes of the board and file with the clerk of the district court creating the district a statement showing the names of the persons elected as commissioners, the names of the commissioners whose term will expire on the first Tuesday in May following, and the names of all of the persons who will compose the board of directors for the year next following the said first Tuesday in May.

Persons entitled
to vote.
Qualifications of
electors.
Guardians, etc.
Domestic
corporations.

“Section 7283C. Qualifications of Electors. At all such elections, except as herein otherwise expressly provide, the following persons holding title, or evidences of title to lands within the district shall be entitled to vote: (1) All of the persons having the qualifications of electors under the constitution and general laws of the state; (2) Guardians, administrators, executors and trustees residing in the state; (3) Domestic corporations by their duly authorized agents. In all elections each elector shall be permitted to cast one vote for each forty acres of land, or major fraction thereof in the district owned by such elector, but any elector owning twenty acres or less shall be entitled to one vote.

Nominations of
commissioner.
Petition.

When no
nominations
are made.

“Section 7283D. Nominations. Candidates for the office of commissioner to be filled by election under the provisions of this Act, may be nominated by petition filed with the secretary of the board of commissioners at least ten days prior to date of holding the election and signed by at least five electors of the district. If no nominations are made the electors of the district shall write on the ballots the name or names of the persons for whom they desire to vote, provided that nothing herein contained shall prevent an elector from voting for any qualified person, although the name does not appear on the official ballot.”

Section 5. That Section 7284 of the Revised Codes of Montana of 1921 be, and the same is hereby amended so as to read as follows:

Vacancy of
board.
How filled.

“Section 7284. If a vacancy occur in the board of commissioners the remaining members of the board shall elect some qualified elector to fill such vacancy and the person so elected shall hold such office for the unexpired term and until his successor is elected and qualified,

provided that the person so appointed must be appointed as a commissioner for the division in which such vacancy exists."

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 51.

An Act to Amend Section 1401, Revised Codes of Montana of 1921, Relating to Exemptions from Jury Duty and Poll Tax of Members of the National Guard and Organized Reserves of the National Guard and Army of the United States, and All Persons Receiving Compensation for Disability Received While Serving with the United States Army During the World War.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1401, Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

"Every commissioned officer and every enlisted man of the National Guard of Montana, the Organized Reserves of the National Guard of Montana, the Organized Reserves of the Army of the United States, and all persons receiving government compensation for disability received while serving with the United States Army during the World War, shall be exempt from all jury duty, and from the payment of poll tax, or head tax, of every description, during the term of his service in the National Guard, the Organized Reserves of the National Guard or the Organized Reserves of the Army of the United States, or while receiving government compensation as aforesaid."

Exemption from
jury duty,
poll tax or
head tax.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 52.

An Act to Amend Section 4978 of the Revised Codes of Montana, 1921, with Reference to Extension of the Corporate Limits of Cities of the First, Second and Third Classes to Include Contiguous Land.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4978 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

"Section 4978. (1) CITIES OR TOWNS OF THE FIRST CLASS. Any tracts or parcels of land, which have been or may hereafter be platted into lots or blocks, streets, and alleys, and the map or plat thereof filed in the office of the county clerk and recorder of the county in which the same are situated, and which shall be contiguous to any incorporated city of the first class, may be embraced within the corporate limits thereof, and the boundaries of such city of the first class extended so as to include the same in the following manner: When, in the judgment of any city council of a city of the first class, expressed by resolution duly and regularly passed and adopted, it will be to the best interest of such city and the inhabitants thereof, and of the inhabitants of any contiguous platted tracts or parcels of land, as aforesaid, that the boundaries of such city shall be extended, so as to include the same within the corporate limits thereof, the city clerk of such city shall forthwith cause to be published in the newspaper published nearest such platted tracts or parcels of land, at least once a week for two successive weeks, a notice which shall be to the effect that such resolution has been duly and regularly passed, and that for a period of twenty days after the first publication of such notice, such city clerk will receive expressions of approval or disapproval, in writing, of the proposed extensions of the boundaries of such city of the first class, from resident freeholders of the territory proposed to be embraced therein. The clerk shall, at the next regular meeting of the city council of such city of the first class after the expiration of said twenty days, lay before the same all communications in writing by him so received for its consideration, and if, after considering the same, such council shall duly and regularly pass and adopt a resolution to that effect, the boundaries of such city of the first

Incorporated city to embrace contiguous tracts.

For best interests of city.

City clerk to publish notice of passage of resolution.

Clerk will receive expressions of approval or disapproval.

Clerk to show all communications.

Council or commission to decide.

class shall be extended so as to embrace and include such platted tracts or parcels of land, the time when the same shall go into effect to be fixed by such resolution; provided, that such resolution shall not be adopted by such council if disapproved, in writing, by a majority of the resident freeholders of the territory proposed to be embraced. Proviso.

(2) CITIES AND TOWNS OF THE SECOND AND THIRD CLASS. Any tracts or parcels of land, which shall be contiguous to any incorporated cities or towns of the second and third class, may be embraced within the corporate limits thereof and the boundaries of such cities or towns of the second and third class extended so as to include the same in the following manner: When, in the judgment of any such city or town council, expressed by resolution duly and regularly passed and adopted, it will be to the best interest of such city or town and the inhabitants thereof, and of the inhabitants of any contiguous tracts or parcels of land, as aforesaid, that the boundaries of such city or town shall be extended, so as to include the same within the corporate limits thereof, the city or town clerk of such city or town shall forthwith notify in writing all property holders within the boundaries of the territory proposed to be embraced, and cause to be published in the newspaper published nearest such tracts or parcels of land, at least once a week for two successive weeks, a notice which shall be to the effect that such resolution has been duly and regularly passed and that for a period of twenty days after the first publication of such notice, such city or town clerk will receive expressions of approval or disapproval, in writing, of the proposed extensions of the boundaries of such city or town, from freeholders of the territory proposed to be embraced therein. The clerk shall, at the next regular meeting of the city or town council after the expiration of said twenty days, lay before the same all communications in writing by him so received for its consideration, and if, after considering the same, such council shall duly and regularly pass and adopt a resolution to that effect, the boundaries of such city or town of the second or third class, shall be extended so as to embrace and include such tracts or parcels of land, the time when the same shall go into effect to be fixed by such resolution; provided, that such resolution shall not be adopted by such council, if disapproved, in writing, by a majority

Extension of boundaries.

Clerk to notify property holders.

Expressions as to boundaries.

Council to adopt resolution.

Proviso.

of the freeholders of the territory proposed to be embraced.

Two or more tracts may be included in one resolution.

(3) Whenever two or more adjacent tracts taken as a whole shall adjoin the city, they may be included in one resolution under Section 2 hereof, although one or more of said tracts taken alone may not be adjacent to the corporate limits as then existing.

Section 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 53.

An Act to Amend Section 3403 of the Revised Codes of Montana of 1921, Relating to the Running at Large of Bulls.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3403 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Running of bulls at large.

“Section 3403. It shall be unlawful for any person or persons, firm, company, or corporation to turn upon, or allow to run at large on the public highways, open range, or national forest reserve within the State of Montana any bull other than a pure-bred bull of a recognized beef type; and no bull shall be turned upon, or allowed to run at large upon any such public highways, open range or national forest reserve between January 1st and July 1st of each and every year.”

Section 2. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 54.

An Act to Approve, Legalize and Adopt as the Laws of Montana the Revised Codes of Montana of 1921, Prepared by the Code Commissioner Appointed by Authority of Chapter 195 of the Laws of the Sixteenth Legislative Assembly of Montana of 1919.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Revised Codes of Montana of 1921 as compiled, numbered and arranged by the Code Commissioner appointed by authority of Chapter 195 of the Laws of the Sixteenth Legislative Assembly of 1919, and as certified to by said code commissioner are hereby, as to both form and substance, approved, legalized and adopted as the laws of Montana now in force and effect and the same are hereby declared to constitute all of the laws of Montana now in force and effect except such laws as were enacted by the Eighteenth Legislative Assembly of Montana, and such as may be adopted by the present session of said Legislative Assembly.

Adoption of 1921 codes.

Section 2. All changes made by said Code Commissioner in the language or arrangement of any law of the State embodied in said codes and all additions of new sections made by said commissioner to said Code, are hereby legalized, approved and given validity.

Changes and additions are adopted.

Section 3. Nothing herein contained shall be deemed as invalidating or in any manner affecting the legality of any act or thing heretofore or hereafter done by authority of any enactment, which is not included in said Revised Codes of Montana of 1921.

Parts not included not invalidated.

Section 4. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 55.

An Act to Amend Section 9927 of the Revised Codes of Montana of 1921, Relating to the Dissolution of Corporations by the District Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9927 of the Revised Codes of

Montana of 1921, is hereby amended so as to read as follows:

Court to determine application to dissolve corporation.

Directors to be trustees of creditors and stockholders.

Clerk to file copy of judgment with Secretary of State.

“Section 9927. HEARING OF APPLICATIONS. After the time of publication has expired, the court or judge may, upon five days’ notice to the persons who have filed objections, or without further notice if no objections have been filed, proceed to hear and determine the application, and if all the statements made therein are shown to be true, must, by judgment, declare the corporation dissolved. The court or judge, in such action, shall ascertain the names of the directors of said corporation then in office, and shall incorporate such names in the judgment of dissolution, and the persons so named shall be the trustees of the creditors and stockholders or members of such dissolved corporation. If in any judgment of dissolution heretofore entered, the court declared who were the trustees, such declaration is conclusive evidence thereof. It shall be the duty of the Clerk of such District Court to immediately file with the Secretary of State a copy of the judgment provided for in this section duly certified by such Clerk.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 56.

An Act Regulating the Drilling and Operation of Oil and Gas Wells Relating to the Conservation of Oil and Natural Gas, Providing for the Administration of the Act by the Board of Railroad Commissioners of the State of Montana, and Repealing Sections 3547, 3548, 3553, and 3554, of the Revised Codes of Montana, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Railroad Commissioners to prescribe and enforce rules and regulations for oil and gas wells.

Section 1. For the purpose of conserving the natural resources of the State and to prevent waste thereof through negligent methods of operation, the Board of Railroad Commissioners of the State of Montana shall prescribe and enforce rules and regulations governing the drilling, casing, and abandonment of oil and gas

wells and the waste of oil and gas therefrom upon all lands in the State of Montana excepting public lands subject to the Act of Congress approved February 25, 1920 (Public 146). The rules and regulations so prescribed shall be those from time to time adopted by the Bureau of Mines or by the Secretary of the Interior of the United States pursuant to said Act of Congress, governing methods of operations of operators upon lands embraced within permits or leases issued under the provisions of said Act of Congress, and it shall be the duty of all persons and corporations drilling or operating oil or gas wells upon patented or State land to comply with the said rules and regulations, to file with the Board of Railroad Commissioners of the State of Montana, all logs of wells and other reports required thereby, and to case, control and plug all wells as therein prescribed.

Rules prescribed
by the Bureau
of Mines or
Secretary of
Interior.

When the rules and regulations aforesaid are duly adopted by and promulgated by said Board of Railroad Commissioners, the same shall be and all amendments and supplements thereto, made in the first instance by the said Bureau of Mines, and thereafter adopted by and promulgated by the said Board of Railroad Commissioners, shall be the rules and regulations of and by the authority of the State of Montana, acting through said Board of Railway Commissioners.

Section 2. The Board of Railroad Commissioners may, from time to time, request the aid and assistance of a qualified representative of the Bureau of Mines of the United States to supervise the abandonment of wells or the extinguishment of fires, and it may, from time to time request the field superintendent of any company or any operator, operating in the same field to aid in the supervision of the abandonment of wells or the extinguishment of fires and in taking effective measures properly to accomplish said purposes, but no such persons shall receive from the State of Montana any compensation for or on account of such services. This Act shall be administered by said Board of Railroad Commissioners by and through its engineer or engineers, and its inspector or inspectors, without any cost and expense to the State of Montana in addition to the regular biennial appropriation made for said Board and its ex-officio commissions.

Aid from
representatives
of Bureau of
Mines.

No compensation
from state.

Act to be
administered
through engin-
eers.

Section 3. Any person or corporation violating the

Penalty for
violation.

provisions of this Act, or rules and regulations prescribed pursuant hereto, or the lawful orders of the Board of Railroad Commissioners under said rules and regulations shall, upon conviction be fined not more than five hundred dollars or imprisoned not more than six months.

Not public
utilities.

Section 4. That nothing herein contained shall in any manner be construed as constituting or attempting to constitute oil or gas wells as a public utility or utilities.

Repeal.

Section 5. That Sections 3547, 3548, 3553 and 3554 of the Revised Codes of Montana of 1921 and all Acts or parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in force from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 57.

An Act to Amend Section 6032 of the Revised Codes of Montana 1921, Relating to Change of Place of Business and Number of Directors of Banks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6032 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 6032. CHANGE OF PLACE OF BUSINESS AND NUMBER OF DIRECTORS AUTHORIZED. Every bank now organized and existing, or which may hereafter be organized, may, upon approval of the Superintendent of Banks, change its principal place of business from one place to another, in the same county, or in an adjacent county, within this State, and may increase or diminish the number of its trustees or directors in the manner hereinafter provided.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

Bank may
change place of
business or
change number
of trustees or
directors.

CHAPTER 58.

An Act to Amend Section 619 of the Revised Codes of Montana of 1921, Relating to the Time Secretary of State Must Certify to the County Clerk, Names of Persons Nominated.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 619 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 619. Not less than twenty-five nor more than forty days before an election to fill any public office, the Secretary of State must certify to the County Clerk of each county within which any of the electors may by law vote for candidates for such office, the name and description of each person nominated, as specified in the certificates of nomination filed with the Secretary of State.”

Secretary of state must certify to county clerk name and description of nominee.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 59.

An Act to Amend Section 6269 of the Revised Codes of Montana, 1921, Relating to the Investment of Funds of Life Insurance Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6269 of the Revised Codes of the State of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 6269. No life insurance company organized or incorporated under the laws of this State shall invest in or loan upon any shares of stock of any corporation. It may invest or loan its funds and accumulations in or upon government, state, county, or municipal securities, and bonds or obligations amply secured by mortgage, or other adequate collateral security, but when more than one-third of the total value of the collateral security

Shall not invest in shares of stock of any corporation.

What it may invest in.

Inadequate to invest more than one-third of collateral security in shares of stock.

Authorized by board of directors of proper committee.

No joint underwritings.

Disposition of property shall be within control of Board of Directors.

Bonds.

Real property.

Railway bonds.

Federal Land Bank bonds or mortgage bonds.

Promissory notes.

Security of its own policies.

Not to exceed reserve value.

shall consist of shares of stock, it shall be deemed inadequate. No investment or loan, except policy loans, shall be made by any such life insurance company unless the same shall first have been authorized by the Board of Directors, or by a committee thereof charged with the duty of supervising such investment or loan. No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company, jointly with any other person, firm, or corporation; nor shall any such company enter into any agreement to withhold from sale any of its property but the disposition of its property shall be at all times within the control of its Board of Directors. Any such company, in addition to other investments allowed by law, may invest any of its funds and accumulations in the bonds of the United States or of this State, or any other state of the United States, or of any county, city, town, or village, or duly organized school district therein, or of any municipality or civil division of any state, and may loan upon improved unencumbered real property in any state fifty per cent. of the value of such property, or invest in the mortgage bonds of any dividend-paying railway or street-railway company duly incorporated and organized under the authority of this State or any other state, Federal Land Bank Bonds or in the mortgage bonds of any dividend-paying industrial or public utility corporation duly incorporated and organized under the authority of the United States or of any state therein, and it may also make loans on the security of promissory notes amply secured by pledge of any bonds in which such insurance companies are hereby authorized to invest their funds, and may also make loans upon the security of its own policies, but no loan on any policy shall exceed the reserve value thereof."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 27, 1925.

CHAPTER 60.

An Act to Amend Section 4143 Revised Codes, Montana, 1921, Pertaining to the Requirements of Abstractors of Titles Relating to the Renewal of Abstractors Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 4143 Revised Codes, Montana 1921, shall be and the same is hereby amended to read as follows:

“Section 4143. RENEWAL OF BOND ANNUALLY—ADDITIONAL BOND. The bond or undertaking herein provided for shall be in full force and effect for a period of one year, and shall be renewed annually by a continuation certificate, such a continuation certificate, however, shall not increase the amount of the liability under the original bond, but the Attorney General may, upon complaint of any reputable citizen, require such abstractor, upon ten days’ written notice, to furnish a new or additional bond, or to show cause before the State Treasurer why he or it has not done so, and if, within said ten days, no new or additional bond has been filed, with approved sureties, and not any sufficient reason is shown to the State Treasurer why a new bond should not be required, then the State Treasurer, shall, in writing annul the certificate of authority of such abstractor.”

One year.

Continuation certificate.

Attorney General may require abstractor to furnish an additional bond.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 61.

An Act Providing for Carrying Out the Provisions of Sections 1999 and 2000, of the Revised Codes of Montana for 1921, Relating to Classification of Taxable Property, and Providing the Duties of the Various County and State Officers in Relation Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The percentage basis of true and full value as provided for in Section 2000, Revised Codes of Mon-

When percentage basis shall be determined and assigned.

tana, of 1921, shall be determined and assigned by the county assessors of the various counties of the State of Montana, when they make their annual assessments, and copies of such assessments as provided for in Section 2005, Revised Codes of Montana, of 1921, shall show the taxpayer the percentage class to which the assessor has assigned his various classes of property for taxation.

Percentage class to be shown.

Appeal for aggrieved taxpayer.

Section 2. If any taxpayer shall feel aggrieved at the percentage assignment so made by the county assessor, he shall have the right to appeal to the County Board of Equalization, on the percentage assignment the same as he now has on valuations, and also, the right to appeal from the County Board of Equalization to the State Board of Equalization, whose findings shall be final except as to, the right of review in the proper courts.

When percentage basis shall be made.

Section 3. The percentage basis of true and full value as provided for in Section 2000, Revised Codes of Montana of 1921, shall be determined and assigned by the State Board of Equalization, when it makes its annual assessment of the property, which it is required to assess under the Constitution or the Laws of this State and shall transmit such determination and assignment to the various county clerks with the assessments so made, and its determination shall be final except as to the right of review in the proper court.

When percentage shall be applied.

Section 4. The County Clerk and Recorder of the various counties shall apply the percentage after the delivery of the Assessment Roll to him, provided, however, that the Assessor shall give the basis of taxation on all personal property he certifies to the County Treasurer, for collection of personal property taxes.

Assessor's blanks and rolls.

Section 5. It shall be made the duty of the State Board of Equalization to prescribe such forms of assessment blanks and assessor's rolls as will comply with the above provisions, grouping all the same percentage class as nearly as possible in one group on blanks and assessor's roll.

Approved Feb. 28, 1925.

CHAPTER 62.

An Act to Amend Section 1215 Revised Codes of Montana 1921, as Amended by Chapter 14 Session Laws 1923, Relating to Reports to County Superintendents of Schools of Valuations of School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1215 Revised Codes of Montana 1921, as amended by Chapter 14 Session Laws 1923, be, and the same is hereby amended so as to read as follows:

“Section 1215. COUNTY CLERK TO REPORT VALUATION OF SCHOOL DISTRICTS. The County Assessor of each county in the State must, at the time of delivering the completed assessment book to the County Clerk of his county, as required by Section 2052, also deliver to such County Clerk a statement showing separately, for each school district in his county, the total full and true value of each and every class of property as the same appears in such completed assessment book.

Assessor to furnish statement of true value of property.

“The County Clerk of each county in the State must, each year and within ten (10) days after receiving from the State Board of Equalization the assessments of all property in his county made by such State Board of Equalization for such year, make out a report, in duplicate, showing for each school district in his county the following: (a). The total full and true value of all taxable property therein as shown on the assessment book for such year; (b). The total basis for taxation (being the total percentage of value, or amount on which taxes are to be computed) of all taxable property therein for such year. One of such copies must be, within such time, delivered by the County Clerk to the County Superintendent of Schools of the county, and the other thereof delivered to the Board of County Commissioners if in session, and if not in session, then to such Board at the first session thereof held thereafter.

County clerk to make out report.

What report to contain.

“In the case of a joint school district the County Clerk must at the same time make copies of so much of such report as relates to such joint school district, and must, at the time of delivering such report to the County Superintendent of Schools of this county, transmit one of such copies to the County Superintendent of Schools and one thereof to the Board of County Commissioners of

Two copies of report in case of joint school districts.

each other county in which any part of the joint school district is situated.”

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 28, 1925.

CHAPTER 63.

An Act Making It Unlawful for Any Owner, or Person Having the Management or Control, of a Stallion, Ridgeling, Unaltered Male Mule, or Jackass, Over the Age of One Year, to Permit or Suffer It to Run at Large on the Open Range; Defining Open Range; Declaring Such Animal So Running at Large a Public Nuisance; Prescribing Penalties for Violations of This Act; Providing That Such Owner or Person Having Management or Control Shall Be Liable for All Injuries Caused by Such Running at Large; Providing for the Proceedings and Notices Necessary to Be Taken and Given for the Castration, and Disposal of Such Animals; and Repealing Sections 3396, 3397, 3398, 3399, and 3400 of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any owner, or person having the management or control, of any stallion, ridgeling, unaltered male mule, or jackass, over the age of one year, to permit or suffer such animal to run at large on the open range. The term “open range” means all lands in the State of Montana not enclosed by a legal fence; the term “open range” includes all highways outside of private enclosures and used by the public whether or not the same have been formally dedicated to the public.

Unlawful for animals to run at large.

Section 2. Any such animal so running at large shall be, and it is hereby declared to be, a public nuisance, which, in addition to the means and proceedings prescribed by this Act for its abatement and removal, may be abated and removed by the means and proceedings now, or hereafter to be, provided by law for the abatement or removal of public nuisances.

Public nuisance.

Section 3. Any person may take up and secure any such animal found running at large on the open range. After taking it up he shall, without unnecessary delay, post at the United States postoffice or as near as may be to the place where the animal was taken up, a notice truly dated and subscribed by him, or his agent, to the effect that the animal, describing it by marks and brands (if any), color, and sex, was taken up on the day named while it was running at large on the open range in the county (naming the county) and that unless claimed and removed within five days next after the date of the posting the animal will be castrated at the expense of the owner thereof. Should the owner, or the person having management or control, of such animal be known to the person who took the animal up, personal service of such notice upon the owner or person having management or control of the animal shall be the equivalent to the posting, provided, the notice if personally served may state that unless the animal is claimed and removed within two days next after the date of the notice served personally, the animal will be castrated at the expense of the owner thereof.

Animal can be taken up.

Notice that animal was taken up.

Personal service when owner is known.

If such animal so taken up be not claimed and removed within said five days or said two days, as the case may be, it may lawfully be castrated in the usual manner and doing no more harm than is necessary. The expense of castration shall be paid by the owner. If such animal be claimed within the time herein prescribed, the claimant shall pay to the person who took the animal up, the reasonable expense of the keeping and feed thereof since it was taken up, and also the sum of five dollars for the taking up and giving of the notice aforementioned; upon making such payments the claimant shall immediately remove and take away said animal.

Animal not claimed, it shall be castrated.

Claimant shall pay expense.

Section 4. If any such animal so running at large cannot, by reasonable effort, be captured, taken up, or corralled, it may lawfully be killed unless the owner, or person having the management or control of it shall take the animal off the open range and restrain it from running at large thereon within ten days next after the giving of notice as hereinafter provided. The notice shall be signed by one or more taxpayers of the vicinity of the range whereon such animal be at large, and be substantially as follows:

If animal cannot be captured it may be killed.

"To whom it may concern:

Take Notice, That a certain (stallion, ridgeling, un-

Form of notice.

altered male mule, or jackass, as the case may be) is running at large on the open range (identify the range by general description) in.....County, Montana. Unless said animal be removed therefrom and restrained from running at large on open range, within ten days next after the date of this notice, it will be killed.

(Date)

(Signature or Signatures)''

How notice
given.

The notice shall be posted at the post office nearest the place where the animal was last seen on the range, and like notices in two other of the most public places in the vicinity of said range, and like notice shall at once be mailed to the owner or person having management or control of the animal, if his name and address be known.

Kill to prevent
injury.

Section 5. This Act is not intended, and it shall not be interpreted or understood, to limit or deny the right now existing to destroy or kill any such animal to prevent injury by it to any person or property.

Saving clause.

Section 6. If any provision of this Act, or the application thereof to any person or circumstances, be held invalid or inoperative, the remainder of the Act, and the application of such provision to other persons and circumstances, shall not be affected thereby.

Repeal.

Section 7. Sections 3396, 3397, 3398, 3399, and 3400, of the Revised Codes of Montana of 1921 are hereby repealed.

Approved Feb. 28, 1925.

CHAPTER 64.

An Act to Amend Section 618 of the Revised Codes of Montana of 1921, Relating to When and Where Certificates of Nomination to State, County and Municipal Offices Must Be Filed, and Providing That the Provisions of This Act Shall Not Be Held to Apply to Nominations for Special Elections to Fill Vacancies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 618 of the Revised Codes of Montana of 1921, be, and the same hereby is, amended to read as follows:

When certificate
of nomination
filed.

“Section 618. WHEN CERTIFICATE TO BE FILED.

Certificate of nomination to be filed with the Secretary of State must be filed not more than sixty (60) days and not less than thirty (30) days before the date fixed by law for the election. Certificates of nomination herein directed to be filed with the County Clerk must be filed not more than sixty (60) days and not less than thirty (30) days before the election; certificates of the nomination of candidates for municipal offices must be filed with the clerks of the respective municipal corporations not more than thirty (30) days and not less than ten days previous to the day of election; but the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies."

Municipal
offices.

Not applicable
to special
elections.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 65.

An Act to Amend Section 6108 of the Revised Codes of Montana Relative to the Liability of Banks on Negotiable Instruments Forwarded for Collection.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6108 of the Revised Codes of Montana be and the same is hereby amended to read as follows:

"Section 6108. Any bank operating in the State of Montana, and receiving for collection or deposit any check, note, draft, or negotiable instrument, may send such instrument for collection directly to the bank on which it is drawn, or at which it is made payable and accept in payment therefor a check or draft of said bank, and the failure of the bank to which such item is sent for collection to account for the proceeds thereof, or for any check or draft sent in payment therefor, either because of its insolvency or otherwise, shall not render the forwarding bank liable therefor to the depositor of such item, nor shall the drawer of a check or draft sent direct to the bank on which same is drawn and remitted for in the manner above provided for, be released from liability for the amount of such item to

Bank may send
paper directly
to bank on which
it was drawn for
collection.

Failure to ac-
count shall
not render
forwarding bank
liable.

Drawer of check
not released.

Proviso.

the holder thereof; provided, however, that due diligence in making collection has been used by the holder, or holders, of such item; and provided further that the drawer shall have been notified by notice appearing upon deposit tickets or advices of credit that his account has been accepted by the Drawee bank pursuant to the above provisions."

Proviso.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 66.

An Act to Amend Sections 917, 918 and 921 of the Revised Codes of Montana, 1921, Relating to the Establishment and Location of the Northern Montana Agricultural and Manual Training School; Providing for the Appointment of an Executive Board for Said School; Prescribing the Powers and Duties of Said Board, and Providing for a Report by Said Executive Board Concerning the Functions of Said School, to Be Made to the Twentieth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 917 of the Revised Codes of Montana, 1921, shall be and the same is hereby amended to read as follows:

"Section 917. Whereas the State of Montana has heretofore purchased from the United States the lands and buildings at Fort Assiniboine, Montana, upon certain conditions, which conditions have been partially complied with and discharged; and,

"Whereas, there is a large amount of property so purchased by the State of Montana that is not in use or necessary for the proper operation of the agricultural experiment station now situated at said Fort Assiniboine; and said property is deteriorating in value and should be salvaged and the proceeds therefrom placed in a fund to be used for the purposes contemplated by the Act of Congress, authorizing the sale of said property to the

State has purchased from U. S. the lands and buildings at Fort Assiniboine.

State of Montana; the Northern Montana Agricultural and Manual Training School which, pursuant to the provisions of Chapter 67, Laws 1913, was established at Fort Assiniboine, Montana. It is hereby declared to be a body politic and corporate with power to sue and be sued, and receive property by gift, purchase, devise or bequest. It has for its object instruction and education in the English language, literature, and mathematics, mechanic arts, agricultural chemistry, animal and vegetable anatomy and physiology, and veterinary art, entomology, geology, and such other natural sciences as may be prescribed by the State Board of Education, political, rural and household economy, agriculture, horticulture, moral philosophy, history, bookkeeping, and especially the application of science and the mechanical arts to practical agriculture in the field, and irrigation and use of water for agricultural purposes; also all that relates to an efficient, modern manual training school."

The Northern Montana Agricultural Manual Training School declared body politic.

Subjects for instruction.

Section 2. That Section 918 of the Revised Codes of Montana of 1921, be, and the same hereby is, amended to read as follows:

"Section 918. The general control and supervision of such school are vested in the State Board of Education which may prescribe all rules and regulations therefor."

General control vested in State Board of Education.

Section 3. That Section 921 of the Revised Codes of Montana of 1921, be, and the same hereby is, amended to read as follows:

"Section 921. The Governor shall, within thirty days after the passage and approval of this Act, designate and appoint two persons, residents of Hill County, who, together with the Chancellor of the University, shall constitute an executive board, which board shall have the immediate direction and control of the affairs of said school, subject only to the general supervision and control of the State Board of Education. It shall be the duty of said Executive Board, as soon as practicable after their appointment, to secure from the State Board of Examiners an accounting for all property heretofore sold by them or transferred to other institutions of the State, and to take possession and control of the buildings and other property contemplated by this Act at Fort Assiniboine, Montana, save and except such as are under the control of and being used by the agricultural experiment substation, and the said executive board with

Executive Board to be appointed.

Duties of Executive Board.

the consent and approval of the State Board of Examiners; and is hereby authorized to sell and dispose of any of such property at public or private sales which it deems advisable to prevent loss through deterioration or other cause, and the proceeds derived from such sales, after deducting the necessary and reasonable expenses of the sales, together with any moneys derived from any other source, shall be deposited with the State Treasurer and by him credited to a fund known as the "Northern Montana Agricultural and Manual Training Fund."

Executive Board
shall make a
study of needs.

Purpose of
study.

Section 4. The executive board shall, during 1925 and 1926 make a study of the needs of northern Montana for the type of school contemplated by Section 917 as amended; investigate the subjects of instruction which should be offered by such a school; recommend plans for the number and qualifications of its faculty; formulate a method of procedure for the transfer of the activities of the North Montana Substation together with all equipment and property now being used at said substation, to the Northern Montana Agricultural and Manual Training School, with a view to the absorption by said school of the activities of said substation and with the further view of having said school take over and perform the experimental functions and farming operations of said agricultural substation under the supervision of the faculty of said school to the end that the labor of pupils in the production of farm products may provide food supplies for the dormitories of said school, and said school be made, as near as possible, self-supporting.

The executive committee shall investigate the possibilities of conducting and carrying on this type of school within the amount of money now being appropriated by the State of Montana for the support of the substation and formulate plans for the transfer of said appropriations from said substation to the support of the school.

Report of
Executive
Committee.

The said executive committee shall prepare a full and complete report, in writing, embodying its findings and recommendations and submit the same to the Twentieth Legislative Assembly of the State of Montana for appropriate action.

Term of Execu-
tive Board.

The members of said executive board shall serve for a period of two years from the date of their appointment, unless sooner removed by the Governor, with or without cause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 67.

An Act to Amend Section 6280 of the Revised Codes of the State of Montana of 1921, Relating to Contingency Reserves of Life Insurance Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6280 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows, to-wit:

“Section 6280. CONTINGENCY RESERVE. Any life insurance company doing business in this State may accumulate and maintain, in addition to the capital and surplus contributed by its stockholders, and in addition to an amount equal to the net values of its policies, computed according to the laws of the jurisdiction under which it is organized, a contingency reserve not exceeding the following respective percentages of said net values, to-wit: When said net values are less than one hundred thousand dollars, twenty per centum thereof, or the sum of ten thousand dollars, whichever is the greater, when said net values are greater than one hundred thousand dollars, the percentage thereof, measuring the contingency reserve, shall decrease one-half of one per centum for each one hundred thousand dollars of said net values up to one million dollars; one-half of one per centum for each additional one million dollars up to ten million dollars; one-half of one per centum for each additional two million five hundred thousand dollars up to fifteen million dollars; and if said net values equal or exceed the last mentioned amount, the contingency reserve shall not exceed ten per centum thereof; provided, that as the net values of said policies increase and the maximum percentage measuring the contingency reserve decreases, such corporation may maintain the contingency reserve already accumulated hereunder, although for the time being it may exceed the maximum percentage herein prescribed, but may not add to the

Life insurance company may have a contingency reserve.

Percentages of net values.

Proviso.

Proviso.

Proviso.

Non-participat-
ing business
corporations
not included.

contingency reserve, when the addition will bring it beyond the maximum percentage; provided, however, that nothing herein contained shall be construed to affect any existing surplus or contingency reserves held by any such corporation, save that whenever the existing surplus and contingency reserves, exclusive of said net values and capital and surplus reserve contributed by its stockholders and of all accumulations held on account of existing deferred dividend policies or groups of such policies, shall exceed the limit above mentioned, it shall not be entitled to maintain any additional contingency reserves; provided further, that for cause shown, the State Auditor may, at any time and from time to time permit any corporation to accumulate and maintain a contingency reserve in excess of the limit above mentioned for a prescribed period, not exceeding one year, under any one permission, by filing in his office a decision stating his reasons therefor, and causing the same to be published in his next annual report. This section shall not apply to any corporation doing exclusively a non-participating business."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 68.

An Act to Amend Sections 6489, 6490, 6492 and 6494 of the Revised Codes of Montana 1921, Relating to the Appointment of Trustees of Cemetery Association Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6489 Revised Codes of Montana of 1921, be amended to read as follows:

"Section 6489. Whenever moneys to the amount of one hundred dollars shall have been received by such corporation, or association, heretofore or hereafter formed, such a fund, either from the sales of lots or from direct payments of such corporation or association towards such a fund by lot owners, or otherwise,

When association
shall receive
\$100.00.
Trustees shall
apply to District
Judge for ap-
pointment of
trustees.

the trustees of such association shall immediately make application to the judge of the District Court for the judicial district in which the cemetery for which such trust fund exists for the appointment of a board of trustees of such fund, and the judge of such court shall thereupon appoint said board of trustees from a list submitted to him by the trustees of such association. Such board shall consist of not less than three or more than five persons, the exact number to rest in the discretion of the said trustees of said association. Such trustees of such fund must be citizens and freeholders of the State of Montana, during all the time they exercise the powers of such trust. Upon the election, appointment, and qualification, as hereinafter provided, of the said trustee of such fund, all the title to the funds included in said trust, and all the rights, powers, authorities, franchises, and trusts of whatsoever thereunto appertaining, shall at once vest in them; or, in case of the failure of any of those so chosen and appointed, to qualify within thirty days after their appointment, then the same shall vest in the one or more who shall qualify. In case of the failure of any of those so chosen and appointed so to qualify within such time, then a vacancy shall exist and the judge of said district court shall forthwith appoint from a list submitted to him by the trustees of such association some person possessing the above qualifications to fill vacancy or vacancies in said board of trustees of such fund; provided, however, that trustees of such fund, heretofore appointed by such cemetery associations, or district courts, shall continue to hold their office as such trustees until terminated in one of the manners in this Act provided."

Number of trustees.

Qualifications.

Title of funds to vest in trustees.

Judge to fill vacancy.

Proviso.

Section 2. That Section 6490 Revised Codes of Montana, 1921, be amended to read as follows:

"Section 6490. The tenure of office of trustees of such fund shall be for life unless they permanently remove from the State of Montana, or are removed from office by the judge of said district court for a good cause shown, or their tenure is otherwise terminated as in this Act provided."

Tenure of office of trustees.

Section 3. That Section 6492 Revised Codes of Montana of 1921, be amended to read as follows:

"Section 6492. In the case of the death, resignation, disability, or removal of any member or members of

Appointment in
case of death.

said board of trustees of said fund the judge of said district court shall forthwith appoint a trustee or trustees to fill such vacancy or vacancies, in the same manner as above provided in the case of an original vacancy."

Section 4. That Section 6494 Revised Codes of Montana of 1921, be amended to read as follows:

Title shall vest
in court until
appointment.

"Section 6494. In the case of the failure of the trustees of such an association to make application to the judge of said district court for the appointment of a board of trustees of such fund, as provided in Section 6489, or in case of the death, removal, resignation, or disability of all the members of such board, the said rights, titles, interest, authority, powers, franchise, and trusts, until the appointment and qualification of a new board of trustees of such fund shall vest in the district court of the county in which such cemetery, or the greater part thereof, shall be situated. In such cases such board of trustees of such fund shall be appointed by the district court of said county on application of any person interested, on notice to such other persons interested as the judge of said court may order. The trustees appointed by the judge of said court, under the provisions of this Section, shall have the same rights, powers, authorities and franchise as trustees appointed under other sections of this Act. The District court shall have power to compel an accounting of such fund and its income from the cemetery association or the trustees of said fund, upon the application of any interested party. Any owner of an interest in any lot of the cemetery cared for by such trust, any trustee of the cemetery association, and any trustee of the said trust fund, shall have the right to make any application to the court provided for in this Chapter."

Court shall have
power to compel
an accounting.

Any trustee can
make applica-
tion.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 69.

An Act Relating to the Allowance of Attorney's Fees on Foreclosure of Liens, and to Amend Section 9799 of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9799 of the Revised Codes of Montana of 1921 be and the same is hereby amended so as to read as follows:

"Section 9799. In an action to foreclose any of the liens provided for by Sections 8318 to 8350 of the Civil Code the court must allow as costs the money paid for filing and recording the lien, and a reasonable attorney's fee in the district and supreme courts, and such costs and attorney's fees must be allowed to each claimant whose lien is established and such reasonable attorney's fees must be allowed to the defendant against whose property a lien is claimed, if such lien be not established."

Costs allowed
by court.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 70.

An Act to Amend Section 1916 of the Revised Codes of Montana of 1921, Relating to Redemption of Bonds Before Maturity Where Owned by the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1916 of the Revised Codes of Montana of 1921 be, and the same hereby is amended to read as follows:

"Section 1916. The State Board of Land Commissioners shall permit any county, school district, city, or town to redeem one or more of its bonds at the expiration of any interest period, before the maturity of such bonds, upon giving to the State Board of Land Commissioners, thirty days' notice of its intention to redeem and pay such bonds, and upon payment thereof as herein provided, such bonds shall be delivered to such county, school district, city, or town for cancellation; provided, that this section shall not be construed to permit the issuance of refunding bonds by any county, school dis-

Board shall permit
redeem at
expiration of
interest period.

Notice of
intention.

Proviso.

trict, city, or town for the purpose of redeeming, before maturity, any bond or bonds owned by the State, nor to grant the right to pay, before maturity, any bond or bonds owned by the State out of the proceeds of any refunding bond issue."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 71.

An Act Authorizing and Empowering City and Town Councils, in Cities and Towns Owning and Operating Municipal Water Systems as Public Utilities, to Furnish Water to Factories and Other Industries Located Within or Outside the Corporate Limits of Such Cities or Towns, and Providing What Rates for Service Shall Be Charged Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The city or town council of any city or town within the State of Montana, that owns and operates a municipal water system, to furnish water to the inhabitants of such city or town, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system, to any factory, or other industry, located within the corporate limits of such city or town, or to any factory or other industry located within three miles of the corporate limits of such city or town, at rates established for like use or service to the inhabitants or industries located inside the corporate limits of such city or town, PROVIDED, THAT delivery of water by any such city or town to or for the use of any factory or other industry located outside the corporate limits of such city or town shall be made within, or at the boundary line of the corporate limits of such city or town.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

Municipal water system authorized to furnish water to industries outside at like rates with those within.

Proviso.

CHAPTER 72.

An Act to Amend Section 6039 of the Revised Codes of Montana of 1921, Relating to the Investment of Capital of Savings Banks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6039 of the Revised Codes of Montana of 1921, be, and the same hereby is, amended to read as follows:

"Section 6039. Investment of capital of savings banks. At least one-half of the paid-in capital of a savings bank, and one-half of the whole amount deposited therein, must be invested in bonds or other securities of the United States, or any of the states of the United States, or any county, city, town, or school district of this State, on which interest is regularly payable, or Federal Land Bank Bonds or loaned on unencumbered real estate worth at least double the amount to be secured. The remainder may be invested in the aforesaid character of securities, or in approved personal security, but no loan must be made on personal security of less than two responsible persons, or collateral security to be approved by the directors, and no loan upon personal security shall be made to any one person or copartnership to an amount exceeding ten thousand dollars. No president, vice-president, director, or other officer or servant of a savings bank shall directly or indirectly borrow any of the funds of such bank or of its deposits, or in any manner use the same in his private affairs or business, nor shall any director receive any pay, salary, or emolument until such interest as the directors shall have determined to allow depositors shall have been provided for in accordance with the regulations of the corporation.

$\frac{1}{2}$ of paid in capital must be invested in bonds.

No loan must be made on personal security of less than two responsible persons.

No officer shall directly or indirectly borrow any of the funds.

"The real estate which such corporation may lawfully purchase, hold, and convey is:

The real estate which such corporation may purchase, hold, convey.

1. Such as may be necessary for the proper transaction of its business, not exceeding in value fifty thousand dollars.

2. Such as is mortgaged to it in good faith for moneys loaned in pursuance of the provisions of this Act, or given as security for money loaned or advanced.

3. Such as is purchased at the sale on judgment or decree obtained or rendered for money so loaned or advanced.

Limitations on
real estate for
Savings Banks.

Proviso.

Savings banks organized under the provisions of this Act must not purchase, hold, or convey real estate in any other case, or for any other purpose than herein specified, and shall not buy or sell any personal property, except such as may be necessary for the proper transaction of its business, or such as may have been pledged, mortgaged, or assigned to it to secure moneys loaned or advanced; provided, the term "Savings Bank" as used in this Section, shall mean any bank organized to do the business specified in Section 6018 of this Code."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 73.

An Act to Amend Section 6023 of the Revised Codes of Montana of 1921, Relating to the Amount of Capital Stock and Surplus Necessary to the Procuring of Certificate of Authorization, for the Establishment of a Commercial Bank, and Providing Further for the Fixing of the Amount of Capital Stock and Surplus Necessary in Cities or Towns of Different Population.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6023 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 6023. The amount of the capital stock of a commercial bank shall be not less than \$25,000.00, and in addition thereto there shall be created a surplus of not less than ten per cent of the amount of the capital stock of said bank, which said surplus and capital stock shall be paid up in cash and deposited with some bank or banks at the time the application is made to the Superintendent of Banks for the certificate of authorization hereinabove mentioned.

"That a commercial bank having its place of business in a city or town of more than two thousand and less than three thousand inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less

Capital stock
of \$25,000.00.

10% surplus.

Capital stock
of \$35,000.00.
10% surplus.

than \$35,000.00 and a surplus of ten per cent of the capital stock as hereinbefore provided; that a commercial bank having its place of business in a city or town of more than three thousand and less than four thousand inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than \$40,000.00 and a surplus of ten per cent of the capital stock as hereinbefore provided; that a commercial bank having its place of business in a city or town of more than four thousand and less than six thousand inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than \$50,000.00 and a surplus of ten per cent of the capital stock as hereinbefore provided; that a commercial bank having its place of business in a city of more than six thousand and less than ten thousand inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than \$75,000.00 and a surplus of ten per cent of the capital stock as hereinbefore provided; that a commercial bank having its place of business in a city or town of more than ten thousand inhabitants, as disclosed by the last authorized census, shall have a capital stock of not less than \$100,000.00 and a surplus of ten per cent of the capital stock as hereinbefore provided.

Capital stock
of \$40,000.00.

Capital stock
of \$50,000.00.

Capital stock
\$75,000.00.

Capital stock
\$100,000.00.

“The amount of the capital stock of a savings bank, trust company, or investment company shall be fixed and limited by the articles of agreement, and shall be not less than one hundred thousand dollars nor more than ten million dollars, of which amount at least one hundred thousand dollars must be subscribed and fully paid up in cash and on deposit with some bank or banks in this State when the application is made to the Superintendent of Banks for the certificate of authorization hereinabove mentioned. The remainder of the authorized capital stock may be subscribed and paid in at such times and under such regulations as the Board of Directors of such corporation may determine. The shares of the capital stock of all banks shall have a par value of one hundred dollars. No bank shall have preferred stock.”

Capital stock
of savings bank
limited by
articles of
agreement.

When remainder
of capital stock
may be paid in.

Stock of \$100.00
par value.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 28, 1925.

CHAPTER 74.

An Act Consolidating the Clerkship of the State Board of Examiners with the Clerkship of the Consolidated Boards and Requiring the Clerk of the State Board of Examiners to Perform All of the Duties of the Clerk of the Consolidated Boards Pertaining to the Board of Pardons, Board of Commissioners for the Insane, and the Board of State Prison Commissioners, and Repealing Section 123 of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Consolidation
of clerks.

Section 1. The clerkship of the State Board of Examiners and the clerkship of the Consolidated Boards are hereby consolidated. The clerk of the state board of examiners, in addition to his duties as clerk of said board, shall perform all of the duties of clerk on each of the following boards: the board of pardons, the board of commissioners for the insane, and the board of state prison commissioners.

Section 2. Section 123 of the Revised Codes of Montana of 1921 is hereby repealed.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after July 1, 1925.

Approved Feb. 28, 1925.

CHAPTER 75.

An Act to Amend Sections 4402 and 4403 of the Revised Codes of Montana, 1921, Relating to the Transcribing of Public Records Upon the Creation of New Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4402 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Board of County
Commissioners
to provide books
and transcribe
new records from
old ones.

“Section 4402. RECORDS, BOOKS AND PAPERS. The Board of County Commissioners of any new county formed as aforesaid must provide suitable books, and have transcribed from the records of the old county or counties all such parts thereof as relate to or affect

property, or the title thereof, situated in the new county, and said records, when so transcribed and certified, as herein provided, shall have the same force and effect as such original records; the said County Commissioners shall have full power and authority to contract for transcribing of records as now provided by law; provided, that all chattel mortgages, renewals of chattel mortgages, articles of incorporation, contract notes, sheriff certificates of sale, liens, and original affidavits of registration, which may affect or relate to property or persons situate within the new county, shall be by the County Clerk of the old county delivered to the County Clerk of the new county, and be preserved by said County Clerk of the new county as permanent files of such new county; and provided, further, that the files of all actions in the office of the Clerk of the District Court of the old county, whether reduced to judgment or pending, for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon, or any other actions affecting real estate lying wholly in the new county shall be, by the Clerk of the District Court of the old county, delivered to the Clerk of the District Court of the new county to be kept and preserved by him as permanent files of such new county, to the end that only the minutes and other entries in books kept by the Clerk of the District Court need be transcribed."

Full power to contract for transcribing of records.

Proviso.

Section 2. That Section 4403 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows, to-wit:

"Section 4403. All actions pending in the District Court of the old county or counties for the recovery of the possession of quieting title to, or the enforcement of liens upon, or any other actions affecting real estate lying wholly in the new county shall forthwith upon the delivery of the files in said action to the Clerk of the District Court of the new county, as provided in Section 1, hereof, be transferred to the District Court in which the new county may be attached for judicial purposes, and thereafter shall be subject to the same laws as if said action had been originally brought in the District Court of the new county."

All actions pending in District Court transferred to Judicial Districts of new county.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be and become of full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 76.

An Act to Amend Section 1010 of the Revised Codes of Montana of 1921, as Amended by Chapter 70 of the Session Laws of the Eighteenth Legislative Assembly of 1923, Relating to Transportation of Pupils.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1010 of the Revised Codes of Montana of 1921, as amended by Chapter 70 of the Session Laws of the Eighteenth Legislative Assembly of 1923, be and the same hereby is, amended to read as follows:

“Section 1010. TRANSPORTATION OF PUPILS.

That the trustees of any school district of the State of Montana, when they shall deem it for the best interest of all pupils residing in such district, may close their school and send pupils of the district to another district and for such purpose are hereby empowered to expend any moneys belonging to their district for the purpose of paying for the transportation of pupils from their district to such other district or districts and for the purpose of paying their tuition. Whenever the trustees of any school district in the State of Montana deem it for the best interest of such district and the pupils residing therein they may expend any moneys belonging to their districts for the purpose of paying for the transportation of pupils from their homes to the public school or schools maintained in such district; provided, however, that in the letting of the contract for the transportation of more than five pupils on a single transportation route, the trustees of school districts shall advertise for bids for transportation of such pupils in one issue of the official county newspaper at least fifteen days prior to the letting of contract, and in the event that there is no newspaper published in the county, then three notices calling for bids shall be posted in three separate and conspicuous places in the district and that the contract for such transportation shall be let to the lowest responsible bidder and suitable bond be furnished by contractor, that the trustees of any district shall not, except where there is rail transportation, or it is necessary to transport pupils for special instruction from school to school, be allowed to expend any of the district's money for transporting pupils who live nearer than two miles from the limits of an incorporated city

Transfer of
pupils to another
district.

Transportation.

Contracts for
transportation.

in which the child attends school, or nearer than two and one half miles from the school the child attends, unless any child resides on any established consolidated route. When they deem it for the best interest of such district and the pupils residing therein, that any of such pupils should be sent to a school in their own or some other district, they may expend any moneys belonging to their district for the purpose of either paying for the transportation of such pupils from their homes to the public school or schools of such district or for their board while actually attending such schools or for rent; provided, that if there are five pupils or less, then the county superintendent of schools and county commissioners shall determine before any contracts are entered upon whether such provision of board, rent, transportation or tuition is justified by the circumstances and also what is a reasonable charge for board, rent, transportation or tuition in every case where such measures have been adopted. If in the judgment of the county superintendent and county commissioners there is any evidence of fraud in securing an allowance for board, transportation, house rent or tuition by reason of the applicant's having purposely changed his residence or otherwise having contrived to secure assistance, no district funds shall be allowed for any of the purposes above enumerated.

Rent and board.

Fraud.

When a district is relieved of the necessity of supporting any school by the fact that all or a part of the children residing in the district are being provided with schooling in another district, it shall be the duty of the trustees in the district holding no school to assist in the support of the school which the children of their district are attending, in proportion to the relation the number of children from their district attending school in another district bears to the total number of children enrolled in the school in the other district. No district shall be entitled to share in the county apportionment if trustees refuse to comply with the above requirement when they are thus relieved of the necessity of providing any school."

Trustees must assist in support of school to which children are sent.

Failure to comply.

Section 2. Nothing in this Act shall be construed as repealing, abrogating or modifying Section 1044 of the Revised Codes of Montana, 1921.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 77.

An Act to repeal Chapter 63 of the Laws of the Eighteenth Legislative Assembly of the State of Montana, Relating to the Payment of Delinquent Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 63 of the Laws of the Eighteenth Legislative Assembly be and the same is hereby repealed.

Section 2. This Act shall be in full force and effect from and after July 1st, 1925.

Approved Feb. 28, 1925.

CHAPTER 78.

An Act to Amend Sections 11073 and 11107, Revised Codes of Montana of 1921, Relating to the Seizure and Disposition of Vehicles Illegally Transporting Intoxicating Liquors and Prohibiting the Use of Replevin or Other Process to Take the Same from the Possession of the Officer Seizing the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11073, Revised Codes of Montana of 1921, be and the same hereby is amended to read as follows:

“Section 11073. Whenever any officer of the law shall discover any person in the act of transporting, in violation of the law, intoxicating liquors in any wagon, buggy, automobile, truck, water or aircraft, or other vehicle, it shall be his duty to seize such vehicle and any and all intoxicating liquors found therein being transported or possessed contrary to law, and any such vehicle containing such intoxicating liquors shall be deemed to be in the act of transporting the same unlawfully, whether such vehicle is moving or stationary at the time of the seizure.

Whenever intoxicating liquors transported or pos-

Seizure of
vehicles trans-
porting liquor.

Moving or
stationary.

sessed illegally shall be seized by an officer, he shall take possession of the vehicle and team or automobile, truck, water or aircraft, or any other vehicle or conveyance transporting the same and shall arrest any person in charge thereof. Such officer shall at once take the person so arrested before the county attorney of the proper county, who shall proceed against the person, arrested under the provisions of this act, in any court having competent jurisdiction. The officer shall at once make a return of the vehicle and other property, articles and intoxicating liquors so seized by him and file the same with the Clerk of the district court of the proper county, and the said vehicle and any other property, except intoxicating liquors and articles illegally possessed, may be returned to the owner upon the execution by him and filing with the said clerk of the district court of a good and valid bond, with sufficient sureties, in the sum, double the value of the property, as the same may be fixed by the district judge, which said bond shall be approved by the judge of the court having jurisdiction of the case, and shall be conditioned to return the said property to the custody of the said officer seizing the same on the day of the trial to abide the judgment of the court.

Take possession

arrest person
in charge.Officer to file
return.

Bond.

The court, upon conviction of the person so arrested shall order the liquor destroyed, and unless good cause to the contrary is shown by the owner, shall order a sale at public auction of the property seized, and the officer making the sale shall pay all liens, according to their priorities, which are established, by intervention or otherwise at said hearing, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used, or was to be used, for illegal transportation of liquors, and, after deducting the expenses of keeping the property, the expense of the seizure and the cost of the sale, shall pay the balance of the proceeds into the treasury of the county in which the violation occurred. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming the team, vehicle, automobile, truck, water or aircraft, or other property, the seizing of the same, with the description thereof, shall be advertised in some newspaper published in the county where the said property was seized, or, if there be no newspaper published in

Liquor
destroyed.Sale of
property.

Payment of liens.

All liens on
property shall be
transferred to
proceeds of the
sale of property.When conveyance
is not claimed,
advertised, and
sold.

said county, in a newspaper having circulation in the county, once a week for two weeks, and, if no claimant shall appear within ten days after the last publication of the advertisement, the court shall order the property to be sold at public auction and the proceeds, after deducting the expenses and costs, shall be paid into the treasury of the county in which the violation occurred."

Section 2. That Section 11107, Revised Codes of Montana of 1921, be and the same hereby is amended to read as follows:

"Section 11107. No liquor, vessels, fixtures, furniture, vehicle or other property seized under the provisions of this act, or under any warrant issued for the purpose of enforcing the provisions of this act, shall be taken from the possession of the officer seizing the same under any replevin or other process, except as provided in this act, provided, that this Section shall not apply unless such officer shall have made the return required by law."

Replevin barred.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feb. 28, 1925.

CHAPTER 79.

An Act to Amend Section 3127 of the Revised Codes of Montana, 1921, Relating to the Practice of Osteopathy by Adding Thereto a Provision for an Annual Renewal License Fee.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3127 of the Revised Codes of Montana 1921 is hereby amended to read:

"Section 3127. Unlawful to practice without a certificate. It shall be unlawful for any person to practice osteopathy in this state without a license from said Board; provided, that all persons practicing osteopathy within this state prior to the passage of this act and holding a diploma from a legally authorized school of osteopathy of good repute as such, and wherein the course of study comprises twenty months or four terms of five months each, may be licensed to practice osteopathy in the state by submitting to said Board of osteopathic examiners such diploma and satisfying such

License to practice.

Board that they are legal holders thereof, or by undergoing an individual examination as hereinafter provided at a regular meeting of said Board for examination. The fee for such license shall be twenty dollars payable to the secretary of said Board of examiners when application is made for certificates; provided, that in case of failure of any applicant to pass a satisfactory examination, he will be entitled to a second examination without charge at the next succeeding meeting of the Board; provided that all graduates of a reputable school of osteopathy who present themselves for examination and a license, and who have graduated later than April, 1907, shall present satisfactory evidence to the Board of having actually attended such a school for a period of not less than three school years of nine months each; provided that all graduates of reputable schools of osteopathy who present themselves for examination and who have graduated later than January, 1919, shall present satisfactory evidence to the Board of having actually attended such a school for a period of not less than four school years of eight months each, which was preceded by a four-years' high school course or its scholastic equivalent.

Evidence of qualifications.

Fee of \$25.00.

Second examination.

Graduates.

Each individual, after the first year of registration, holding a certificate to practice under this act and who is in active practice in this state, shall on or before the first day of April of each year pay a renewal fee of two (\$2.00) Dollars to the Secretary of the Board of Osteopathic Examiners; and each individual, after the first year of registration, holding a certificate to practice under this act, who is not in active practice, shall on or before the first of April of each year pay a renewal fee of One (\$1.00) Dollar to the Secretary of the Board. The Secretary of the Board shall before the 15th of March of each year send a notice to each individual holding a valid certificate to practice under this act and from whom a fee is due stating that such fee is due.

Renewal fee of \$2.00 for active practice.

\$1.00 fee if not in actual practice.

The certificate to practice under this act automatically becomes void when the renewal fee is not paid at the time named. Provided that the Board may reinstate a practitioner whose certificate has lapsed upon the payment of all back renewal fees or upon the payment of Ten (\$10.00) Dollars if the lapsed fees exceed that amount.

Fees to reinstate.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 80.

An Act to Amend Section 3764 of the Revised Codes of Montana of 1921, Defining the Boundaries of Gallatin Game Preserve and Providing Penalties for Unlawful Hunting and Trapping Within Said Preserve, Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3764 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 3764. The Boundaries of Gallatin Game Preserve are hereby established as follows: “Commencing at the Southeast corner Sec. 19, T. 9 S., R. 8 E., which section corner is on line with the North boundary of the Yellowstone National Park, thence North one mile along East line of said Section, thence West one mile, thence North one mile, thence West two miles, thence North three miles, thence West two miles, thence North two miles to the section corner common to Section 16-17-20 and 21, T. 8 S., R. 7 E., which corner is on the divide between Cottonwood Creek and Sphinx Creek, thence West along said divide to the Northwest corner of Sec. 19 T. 8 S., R. 7 E., thence South and West along the divide between Tom Miner Creek, Mol Heron and Specimen Creeks to a point on the Gallatin-Yellowstone divide, which point is North 60° E., 45 chains from the Southwest corner of Section 27, T. 8 S., R. 5 E.; thence in a general southwesterly direction, following the top of the divide between Daly and Teepee Creeks and Buffalo Horn Creek a distance of approximately 4½ miles, to a point on this divide where the township line, between Townships 8 and 9 S., R. 4 E., crosses said divide, which point is 20 chains due west from the southeast corner of Section 36, T. 8 S., R. 4 E., M. M.; thence due west along the township line between Townships 8 and 9 S., R. 4 E., a distance of approximately 1¾ miles to a point on the east bank of the Gallatin River, where the township line between Townships 8 and 9 S., R. 4 E., M. P. M. intersects the said River, thence in a south-

Description of
Gallatin Game
preserve.

easterly direction along the east bank of the Gallatin River to a point where the north section line of Sec. 18, T. 9 S., R. 5 E. intersects the Gallatin River, thence due west along said section line and south section lines of Section 11 and 12, T. 9 S., R. 4 E. to a point where said section lines intersect Sage Creek, thence up the east bank of Sage Creek to the confluence of Big Sage Creek and Little Sage Creek, thence south along the divide between the above mentioned creeks to Sage Mountain, which is on the divide between Sage Creek and Cabin Creek, thence east along said divide to the divide between Cabin and Teepee Creeks, thence south along said divide to the divide between Teepee Creek and Red Canyon Creek, thence south along said divide to the northwest corner of T. 12 S., R. 5 E., thence south a distance of two miles along the west line of said township, thence east a distance of approximately 4 miles to the west boundary of the Yellowstone National Park to the northeast corner of said Park, thence east along the north boundary of said National Park to the place of beginning.

It shall be unlawful for any person to hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed, any game animal or fur-bearing animal or birds of any kind whatever, within the limits of said Preserve or to carry or to discharge any firearms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the game animals or birds, or to chase the same with dogs or hounds in said Preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes, or to trap fur-bearing animals, or to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink or other predatory animals or birds, or for carrying firearms, may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act shall be guilty of misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment."

Unlawful to hunt, etc.

Penalty for violation.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 81.

An Act to Amend Section 4272 of the Revised Codes of Montana of 1921, Relating to Penalty for Violation of Standard Apple Box and Grades Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4272 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 4272. Penalty for Violation of Act. No person, firm, company, or organization shall sell or offer for sale, or shipment within or without the State of Montana, apples branded or packed in boxes in violation of the provisions of this Act. Any person, firm, company, or organization who shall knowingly sell or offer for sale, or shipment within or without the State of Montana, apples branded or packed in boxes in violation of the provisions of this Act, shall be guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not less than Ten Dollars or more than Fifty Dollars.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from July 1, 1925.

Approved Feb. 28, 1925.

CHAPTER 82.

An Act to Amend Section 964 of the Revised Codes of Montana, 1921, Relating to School Warrants and Providing When Warrants May Be Issued in Anticipation of Taxes Levied But Not Collected.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 964 of the Revised Codes of

Montana, 1921, be, and the same is hereby amended to read as follows:

"Section 964. Apportionment of School Moneys. Warrants. The County Superintendent shall apportion all school moneys to the school districts in accordance with the provisions of this title quarterly, and he may make apportionments at such other times as may be required or deemed necessary for the convenience of school officers. He shall certify to the several district clerks and county treasurer the amount so apportioned to the several districts, and the trustees shall draw their warrants on the county treasurer in favor of persons entitled to receive the same. Such warrants shall show for what purpose the money is required, and no such warrant shall be drawn unless there is money in the treasury to the credit of such district; provided, that school trustees shall have the authority to issue warrants in anticipation of school moneys which have been levied, but not collected, for the payment of current expenses of schools, but such warrants shall not be drawn in any amount in excess of the sum already levied; and provided, that where the electors of any school district have at a special election held between January 1, 1925, and July 1, 1925, approved a special levy in excess of ten mills for the purpose of covering necessary expenses in maintaining school for the remainder of the current school year of 1924 and 1925, and the result of such election has been certified to the board of county commissioners as provided for in Section 1222, Revised Codes, warrants may be issued in anticipation of its collection which warrants shall be registered and paid out of such funds when collected."

Time for
apportionments.

Warrants.

Proviso.
Current expenses.

Proviso.
Special election.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 83.

An Act to Amend Section 10536 of the Revised Codes of Montana of 1921, Relating to Persons in Certain Relations Being Examined as Witnesses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10536 of the Revised Codes

of Montana of 1921, be, and the same is hereby amended to read as follows:

Consent for husband and wife testifying against each other.

Exceptions.

Attorney for client.

Clergyman or priest for confessor.

Physician for patient.

Public officer as to communications of confidence.

"Section 10536. 1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage: but this exception does not apply to a civil action or proceedings by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other; or in an action brought by husband or wife against another person for the alienation of the affections of either husband or wife or in an action for damages against another person for adultery committed by either husband or wife.

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

3. A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

4. A licensed physician or surgeon cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient.

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interests would suffer by the disclosure."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1925.

CHAPTER 84.

An Act to Amend Section 4614 of the Revised Codes of Montana, 1921, as Amended by Chapter 21, Laws of the Eighteenth Legislative Assembly, Relating to County Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4614 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

“Section 4614. Refunding Bonds. The Board of Refunding bonds.
County Commissioners of any county is hereby vested with the power and authority to issue and negotiate, on the credit of the county, coupon bonds to an amount sufficient to enable the county to fund all legal outstanding warrants, orders or bonds, or for the purchase Purpose of.
of necessary public building sites, and for the construction of necessary public buildings, public highways and bridges, for the ordinary and necessary expenses of the county authorized by the general laws of the state; and also for the purpose of enabling any county to liquidate its indebtedness to another county incident to the creation of a new county or the change of any county boundary lines, not exceeding, in the aggregate, including outstanding bonded indebtedness, five per centum of the per centum of the assessed value of the property upon which taxes are levied and paid within such county, to be ascertained by the last assessment for state and county taxes previous to the issuing of such bonds; Proviso.
provided, however, that no such bonds, except bonds to refund bonds issued prior to and outstanding on May 1st, 1923, shall be issued, negotiated, or sold for any Except to refund bonds prior to May 1st, 23.
purpose whatever, or exchanged for outstanding warrants, orders or bonds, except for the purpose of enabling a county to fund its indebtedness to another county incident to the creation of a new county or the change of any county boundary lines, without the approval of the majority of the electors of such county voting at an election at which the question of issuing Approval of electors.
and selling or exchanging such bonds shall be submitted to the electors of such county, and which election shall be held in accordance with the provisions of Election, how held.
Sections 4719 to 4722, inclusive, of the Revised Codes of Montana, 1921, and shall be governed and controlled thereby. Such bonds shall not be sold or exchanged Bonds, how sold.

at a price less than par value thereof, and no brokerage, legal or other fees or commissions of any kind shall be paid any person or corporation for negotiating or assisting in the preparation of sale or exchange thereof. The words 'outstanding bonds heretofore issued', as herein used, shall not be construed to include outstanding warrants.

Amortization or
serial bonds,
limit on.

Provided, however, that nothing contained in this Act shall be so construed as to make it unlawful to issue amortization or serial bonds without a vote of the people for the purpose of retiring bonds or warrants issued prior to and outstanding on May 1st, 1923, so long as such bonds or warrants, when added to all other outstanding indebtedness, does not exceed five per centum of the assessed valuation of the county issuing same.

Interest.

Such bonds shall bear interest at such rate as shall be fixed by the Board of County Commissioners, but not exceeding six per centum per annum, which interest shall be represented by interest coupons payable semi-annually on the first days of January and July in each year, and such bonds shall be paid and redeemed in equal annual installments, the amount thereof to be paid and redeemed in each year to be determined by dividing the total amount of bonds to be issued by the total number of years throughout which the installments are to be paid; provided, however, that if the date of issue of the bonds shall be prior to the date of the county tax levies for the year in which bonds are issued, the first installment of bonds shall be paid and redeemed on the first day of January in the year following the year in which the bonds are issued, but if the date of issue of the bonds shall be after the date of the county tax levied for the year in which the bonds are issued, then the first interest on all bonds shall be paid and redeemed on the first day of January in the second year following the year in which the bonds are issued; and, provided, further, that no bonds shall be issued for a longer period than twenty (20) years, and that all bonds remaining unpaid may be paid and redeemed at any time after the expiration of five (5) years from their date of issue, provided such time and option be stated upon the face of such bonds.

How and when
paid.

Term of.

Limitation not
applicable when.

Provided, however, that the limitation of five per centum of the per centum of the assessed value of the property upon which taxes are levied and paid within

such county shall not apply in cases where county buildings, bridges, or highways, are destroyed or damaged by an act of God, disaster, catastrophe, or accident, which shall be deemed an emergency and bonds may be issued and negotiated to provide for such emergency as provided in this Act, not exceeding, in the aggregate, including outstanding bonded indebtedness eight (8) per centum of the per centum of the assessed value of the property upon which taxes are levied and paid within said county, to be ascertained as hereinbefore provided."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1925.

CHAPTER 85.

An Act to Amend Chapter 30 of the Laws of the Eighteenth Legislative Assembly, Relating to the Publication of the Report of the State Examiner, Covering the Examination of the Various County Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 30 of the Laws of the Eighteenth Legislative Assembly be, and the same is hereby amended to read as follows:

"Section 1. Upon the receipt of State Examiner's report covering the examination of the affairs of any county, it shall be the duty of the Board of County Commissioners of such county, to have such report entered and made a part of the minutes of the next regular meeting of such Board. Provided further, that such report must be published in full in the official newspaper of the county, not later than thirty days after the same has been entered and made a part of the minutes as above provided."

State Examiner's
report to be part
of minutes of
Board.

Publishing.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 86.

An Act to Amend Section 6969 of the Revised Codes of Montana of 1921, Relating to Homesteads.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6969 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 6969. The phrase "head of a family" as used in this Chapter, includes within its meaning:

Those included
within term of
head of family.

1. The husband, when the claimant is a married person, or the wife, where the husband fails to join in the declaration.

2. Every person who has attained the age of sixty years and who actually resides on the premises.

3. Every person who has residing on the premises with him or her, and under his or her care and maintenance, either:

First. His or her minor child, or the minor child of his or her wife or husband, or former wife or husband;

Second. A minor grandchild, brother or sister, or minor child of a brother or sister;

Third. A father, mother, grandfather, or grandmother,

Fourth. The father, mother, grandfather, or grandmother, of a husband or wife; or former husband or wife.

Fifth. An unmarried sister or any other of the relatives mentioned in this section, who have attained the age of majority and are unable to take care of or support themselves.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 87.

An Act Relating to Drunkenness as Being No Excuse for Crime and How Insanity as a Defense Must Be Proven, and Amending Section 10728 of the Codes of the State of Montana of 1921, Being a Part of Chapter One of the Penal Code of the State of Montana of 1921, Entitled, "Definitions and Preliminary Provisions," by Adding to Said Section a Sub-Division or Sub-Section to Be Known as Number 2, and Which Relates to How Insanity, as a Defense, Shall Be Proven.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10728 of the Revised Codes of the State of Montana of 1921, relating to drunkenness being no excuse for crime, be, and the same is hereby amended by adding thereto a sub-division or sub-section to be known as Number 2, and which relates to how insanity, as a defense, shall be proven and which Section as amended shall read as follows:

"Section 10728. Drunkenness no excuse for crime—when it may be considered—how insanity must be proven.

"1. No act committed by a person while in a state of voluntary intoxication is less criminal by his being in said condition. But, whenever the actual existence of any particular purpose, motive, or intent, is a necessary element to constitute any particular species or degree of crime, the jury may take into consideration the fact that the accused was intoxicated at the time, in determining the purpose, motive or intent with which he committed the act.

Voluntary intoxication.

Purpose, motive or intent.

"2. When the commission of the act charged as a crime is proven, and the defense sought to be established is the insanity of the defendant, the same must be proven by the defendant by a preponderance of the testimony; provided, however, that said defendant may have his sanity or insanity determined in the manner provided by law, by requesting the District Court to determine the same, at any time before the jury is obtained."

Defense of insanity proven by defendant by preponderance of the testimony.

May request court to determine same.

Section 2. That all Acts and Laws and parts of Acts and Laws in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 3. This Act shall be in full force and effect

from and after its passage and approval by the Governor.

Approved March 10, 1925.

CHAPTER 88.

An Act to Amend Section 1199 of the Revised Codes of Montana 1921, Relating to and Fixing the Amount of Money Which May Be Raised by Levy for the Purchase of Free Textbooks and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1199 of the Revised Codes of Montana 1921, be and the same is hereby amended to read as follows:

“Section 1199. Estimate of money for free text-books. For the purpose of raising money to pay for free text-books, it shall be the duty of the trustees of each school district, on or before the first day of July of each year, to certify to the county commissioners of the county wherein said school district is located, an estimate of the amount of money required to provide said free text-books for the ensuing school year; thereupon, in case the money received from the general fund of the district be insufficient for said purpose, said board of county commissioners shall levy a special tax upon the taxable property of said district for the purpose of providing said free text-books; said tax shall be collected in the same manner and at the same time as other taxes are collected, provided, however, that no greater levy shall be made than is sufficient to raise an amount not in excess of three dollars and fifty cents (per pupil), and that such total amount be based upon the average number of pupils attending school for the preceding school year.”

Trustees of school district to certify amount of money needed for books.

Levy a special tax upon property.

How collected.

Limit of amount.

Section 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 89.

An Act Relating to Irrigation Districts, Authorizing and Empowering Irrigation Districts and the Commissioners Thereof to Purchase Lands Sold for Delinquent Taxes, Whenever Taxes or Assessments of Such Irrigation Districts Form All or a Part of the Taxes for Which Said Lands Are Sold; to Purchase and Take Assignment of Certificates of Tax Sales of Said Lands Bid in by the County for Delinquent Taxes, Being in Whole or in Part Taxes or Assessments of Such Irrigation Districts; to Take Title to the Lands So Sold for Taxes in Case They Are Not Redeemed, as Provided by Law; to Purchase Such Lands from the County, When Tax Deeds Therefor Have Issued to the County; to Lease, Operate, Sell and Dispose of the Same as May Seem for the Best Interest of Such District; and to Commence, Maintain and Prosecute Suits to Quiet Title as to the Lands So Purchased; and Relating to the Period of Redemption and the Issuance of Tax Deed of Property in Such Irrigation District, Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. At all sales of all lands for delinquent taxes where all, or a portion, of such delinquent taxes are taxes and assessments levied and assessed by any irrigation district against the lands to be sold, the commissioners of such irrigation district, if there be no other bidder for such land at such tax sale, may bid therefor the total amount of all delinquent taxes and assessments, penalty and interest against such land, and thereupon the County Treasurer shall strike off said lands to such irrigation district and issue certificate of tax sale to said irrigation district the same as such certificates of tax sales are issued to other purchasers. For the purpose of paying such taxes, assessments, interest and penalties, the Commissioners of such irrigation district shall have the power and authority to create by resolution a fund to be known and designated as the "Revolving Fund for the purchase of Tax Certificates and Titles" and to provide funds for such revolving fund by levy, bond issue or otherwise, and the district may pay such taxes, assessments, interest and penalties by issuing a warrant to the County Treasurer against such fund, provided that there shall be sufficient money in such

Sale for delinquent taxes.

Bids.

Certificate of tax sale.

Revolving fund for purchase of tax certificates.

Issuing warrants.

Payment of
taxes, credited
to revolving
fund.

Sinking fund.

How to purchase
certificate of
tax sale.

How payment
made.

Treasurer to
assign certificate.

No redemption.

fund to pay same in full upon demand. When taxes are paid by the district as in this act provided, the County Treasurer shall not distribute that portion of said tax belonging to the irrigation district to the several funds as designated in the tax levy and assessment but the total amount due the irrigation district shall be credited by him, to the Revolving Fund above specified. At the time of the sale by the district of the tax sale certificate or of the property obtained through such certificate, such funds as are realized from such sale must be deposited with the County Treasurer and he shall credit the proceeds of such sale, pro rata to the several funds of the district in accordance with the original levy and assessment. No expenditures shall be made from the Revolving Fund except for the purposes as herein specified and when, by resolution of the Board of Irrigation District Commissioners, such fund shall be deemed inactive, the balance remaining in said fund shall be transferred to a sinking fund to be applied upon any indebtedness which may have been incurred by the district by reason of the creation of such revolving fund, if any there may be.

Section 2. Any irrigation district may purchase the certificate of tax sale issued to any county for lands sold at tax sale against which any of its taxes and assessments are delinquent or, if deed therefor has issued to the county, may purchase such lands from the county by paying to the County Treasurer of the county making the sale all state, county, city, school district, and other delinquent taxes together with penalty, interest and costs of publication and sale. Such payment shall be made by the Commissioners of such district issuing and delivering to the County Treasurer, a warrant drawn against the Revolving Fund of said district, provided there shall be sufficient money in said fund to pay same in full upon demand, and thereupon, such Treasurer shall assign such certificate of tax sale to such irrigation district as in the case of the purchase thereof by any other person, or the Commissioners of the County shall convey such lands to said district in case tax deed therefor has been issued to the county.

Section 3. When there has been no redemption of the lands so sold at tax sale to an irrigation district or any other person or of the lands struck off to the county for which certificate of sale has been assigned to an

irrigation district, or any other person in the manner and within the time hereinafter allowed by this Act for the redemption of lands from such tax sales, the County Treasurer of the county within which such lands are situated, shall issue tax deed therefor to such irrigation district, or other holder of certificate of sale.

Tax deed.

Section 4. After the issuance of any such tax deeds to an irrigation district, the commissioner of such district shall have power to sell and convey the lands so purchased, or any part thereof, at either public or private sale whether the price received therefor equals the amount of delinquent taxes, assessments, penalties, interest and costs against said lands or not; provided that if such lands be offered for sale at public sale that such commissioners may reject any and all bids thereon, and provided further that no such lands shall be sold by said commissioners at private sale until the same shall have been offered for sale at public sale, and that no such lands shall be sold at private sale at a price less than the highest price bid therefor at the public sale at which such lands are offered; and provided further that if no bid is received for such lands when the same are offered for sale at public sale the said commissioners may then sell the same in such manner and for such price as in their judgment they shall deem to be for the best interests of said district.

Commissioners power to sell.

Bids at public and private sale.

Section 5. If any such lands are conveyed to any irrigation district, it may maintain an action to quiet title to said lands in said district in the manner provided by the laws of Montana for quieting title to real property.

Action to quiet title.

Section 6. In addition to the powers heretofore granted to irrigation districts, the commissioners of every irrigation district, established and organized under and by virtue of the laws of Montana, in addition to the powers heretofore conferred upon them, shall have power to purchase lands within their respective districts sold for nonpayment of taxes and assessments as hereinbefore provided; to purchase certificate of tax sales of such lands when struck off to the county; to take title thereto for their districts; to own, manage, operate, lease, sell and dispose of the same for the use and benefit of their respective districts; to sue and be sued with reference to said lands in the names of their respective district; to commence, maintain and prosecute suits to

Commissioners have power to purchase lands.

Purchase certificates take title.

Own, lease, etc.

Sue and be sued.

Other powers.

quiet title to said lands and any and all other suits in equity or actions at law with reference thereto the same as might be done by any other individual or corporate owners of such lands; and to do any and all other acts or things necessary or beneficial for their respective districts in connection with such lands. The Board of Commissioners of any Irrigation District shall be and they are hereby authorized and empowered to do any and all things necessary to carry out the provisions and intentions of this Act.

Holder's application for tax deed.

Section 7. The holder of such certificate of tax sale of such land, whether said holder be an irrigation district or individual, may, at any time after the expiration of two years from the date of sale of said property for delinquency, if same has not been redeemed within said period of two years from date of sale of said lands for delinquency, apply to the County Treasurer, as provided by law for the issuance of a tax deed to said property, and upon such application, the County Treasurer shall issue such tax deed, in the manner and form provided by law, to said holder.

Section 8. This Act shall apply only when or after said irrigation district shall have commenced delivery of water to any lands included in such irrigation district.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after July 1, 1925.

Approved March 10, 1925.

CHAPTER 90.

An Act Relating to Irrigation Districts and Empowering the State Land Board to Consent to the Inclusion of State Lands Therein; to Sign Petitions for Issuance of Bonds of Such Districts, and to Sign Petitions for Contracts with the United States in Relation Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Land Board for, and on behalf of the State of Montana, is hereby empowered to sign a petition for the inclusion of any lands belonging to

the State, in any irrigation district created under the provisions of Sections 7166 to 7264, Revised Codes of Montana 1921, and to sign petitions for the issuance of bonds, or for contracting with the United States as provided in Section 7174 of said Codes and Acts amendatory thereof, but when such lands are included in an irrigation district, they shall not be taxed for any purpose by the district until title thereto has passed from the State, or until a contract for the sale thereof has been made by the State.

Petition by
State Land
Board for bonds
and contracts.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 91.

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to Article XII of the Constitution of the State of Montana, Relating to Revenue and Taxation by Adding a New Section Thereto Providing for the Levying of Taxes for the Purpose of Insuring Growing Crops Against Loss or Damage by Hail.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Article XII of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of said amendment be submitted to the qualified electors of the State of Montana at the next general election.

To amend Article
XII constitution.

Section 2. That Article XII of the Constitution be, and the same is hereby amended by adding thereto a new section to be known as Section 19 and to read as follows:

"Section 19. The providing of insurance against loss or damage to crops by hail is hereby declared to be a public purpose and the Legislative Assembly is authorized and empowered to provide for the levy and collection annually of a tax upon agricultural land for said purpose; provided, however, that no such tax shall be levied against lands in any county until a majority of the qualified electors of such county shall, at any regular election or at an election held for such purpose, have

Tax on Agricultural land for
hail insurance.

Majority in each
county must vote
in favor of it.

Single owner
may consent.

Hail Insurance
Districts.

Determination
of rates.

Ballots.

voted in favor of submitting their lands and the crops growing thereon to the provisions of the State Hail Insurance Laws, or unless the owner of any tract of land in any county shall have consented in writing to the imposition of such tax. Said tax shall be levied upon such classification of said lands and with such exemptions as may be provided by law. The Legislative Assembly may divide the state into hail insurance districts on such basis as shall seem just and necessary to secure an equitable distribution of the burden of taxation among such lands and may classify the lands within such district and the rates of tax therein may vary in accordance with the risk incurred. The Legislative Assembly may determine the rates and may levy the tax in the different districts or may provide that such rates may be determined and such tax levied by the State Board of Equalization. The provisions of Section 9 of this Article limiting the rate of tax for such purposes, shall not apply to the tax herein provided for but such tax shall be in addition thereto."

Section 3. Separate official ballots shall be provided at the general election to be held in November, 1926, which shall have printed thereon all of Section 2 of this Act, and below the same shall be printed the words:

For the above written Amendment to the Constitution.

Against the above written Amendment to the Constitution.

Each elector shall designate his preference by marking an X in the square before the proposition for which such elector desires to vote.

Section 4. The votes for and against the amendment above proposed shall be canvassed, determined and declared as provided by the general election laws of the State of Montana.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 92.

An Act Authorizing the Establishment of Fiscal Agencies for the Payment of Bonds and Bond Interest Coupons Which Are Issued by the State of Montana and All Counties, Cities, Towns, School Districts, Irrigation Districts or Drainage Districts of the State of Montana; Prescribing the Regulations to Govern the Same, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Governor of the State of Montana is hereby authorized to designate one or more banks or trust companies in each city in the United States where the bonds or interest coupons of any bonds issued by the State of Montana or any County, City, Town, School District, Irrigation District or Drainage District of Montana, are made payable, as the fiscal agency for the State of Montana for the payment of such bonds and coupons.

Governor to designate Bank Agencies for state bonds.

Section 2. Before establishing and designating such fiscal agency, the Governor shall, if he deem it necessary, require a bond to be given by such bank or trust company to the State of Montana, in such amount as the Governor may prescribe, approve and deem sufficient to insure the safety and prompt payment of all funds deposited with such fiscal agent. Such bond shall be approved by the Governor and filed in his office.

Bond required.

Section 3. From and after the passage of this Act, the Treasurer of the State of Montana or the Treasurer of any county, city, town, school district, irrigation district, or drainage district of Montana may be required to remit to the State Fiscal Agency, at least fifteen (15) days or such other period as may be agreed upon, before the maturity of any bonds or coupons payable as provided in Section 1 hereof, a sufficient sum of money to cover the redemption of such bonds or coupons.

Redemption money.

Section 4. On the receipt of any funds by such Fiscal Agent, it shall be the duty of such Fiscal Agent to notify the officers from whom received of the receipt thereof, and immediately upon the payment of the bonds or coupons for which such funds were remitted, said bonds or coupons shall be cancelled and shall be returned to the Treasurer of the State, county, city, town, school

Cancellation bonds or coupons.

district, irrigation district, or drainage district entitled to the same.

Auditor to be notified where payable.

Section 5. It shall be the duty of the Treasurer of the State of Montana, or any county, city, town, school district, irrigation district, or drainage district of Montana, which has issued bonds, to advise the State Auditor forthwith, giving the name and location of all banks or trust companies at which said bonds or interest coupons are made payable, whereupon the State Auditor shall so advise the Governor in order that the necessary fiscal agency may be designated.

Notice of place of payment.

It shall be the duty of the State Auditor, immediately after the establishment of any fiscal agency provided for in this Act, to publish a notice in some newspaper of general circulation in any city where such bonds are made payable, for two weeks, and thereafter all bonds and coupons of the State of Montana, or any county, city, town, school district, irrigation district or drainage district of Montana, which are by their terms payable at a certain bank in said city, shall be paid at said fiscal agency.

Responsibility for funds.

Section 6. No state, county, city, town, school district, irrigation district or drainage district treasurer shall be held responsible for funds remitted to any fiscal agency in pursuance of the provisions of this Act, after the acknowledgment of the receipt of the same by the fiscal agent.

Liability in case of neglect or refusal to act.

Section 7. In case any State, county, city, town, school district, irrigation district, or drainage district treasurer shall willfully neglect or refuse to perform the duties imposed by this Act, he shall be liable to the holder of any bonds or coupons aggrieved thereby, in a sum double the amount of such bonds or coupons as shall be dishonored by the neglect or refusal of such officer to comply with the provisions of this Act, provided the State or the Municipality shall have funds on hand to pay such obligation herein mentioned which may be recovered in a suit at law against such treasurer.

Change of Agency.

Section 8. The Governor of the State may at any time change any fiscal agency in case the agency theretofore designated shall neglect or refuse to act, and in case of a change being made, it shall be the duty of the State Auditor to notify the State Treasurer and all

county, city, town, school district, irrigation district, and drainage district treasurers within the State of Montana, of such change, and shall publish the same as provided in Section 5 of this Act.

Section 9. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 93.

An Act to Amend Sections 4318 and 4327 of the Revised Codes of the State of Montana, 1921, Relating to Changing the Boundaries of Fergus and Judith Basin Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4318 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

“4318. FERGUS COUNTY. Beginning at the middle of the main channel of the Missouri river opposite the middle of the main channel of the Musselshell river; running thence up the middle of the main channel of the Musselshell river to its intersection with the township line between townships eleven (11) and twelve (12) north; thence west along said township line to the line between ranges eighteen (18) and nineteen (19) east; thence south along said range line to the northeast corner of section twenty-five (25), township eleven (11) north, range eighteen (18) east; thence west along the north line of sections twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty (30), township eleven (11) north, ranges eighteen (18) and seventeen (17) and sixteen (16) east, to the southeast corner of section nineteen (19), township eleven (11) north, range sixteen (16) east; thence north along the east boundary of sections nineteen (19), eighteen (18), seven (7) and six (6) in said township eleven (11) north of range sixteen (16) east, to the northeast corner of the southeast quarter of section six (6) in said township eleven (11) north of range

Description of
Fergus County
boundary.

sixteen (16) east; thence west to the northwest corner of said southeast quarter of section six (6), in said township and range; thence north to the southwest corner of the southeast quarter of section nineteen (19), in township twelve (12) north, range sixteen (16) east; thence west to the southeast corner of section twenty-three (23), township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of said section twenty-three (23), township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the southwest quarter of section fourteen (14), township twelve (12) north, range fifteen (15) east; thence north to the north east corner of said southwest quarter of section fourteen (14), township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the northeast quarter of section sixteen (16), township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of section sixteen (16) in township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ -SE $\frac{1}{4}$) of section nine (9) in township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of the northwest quarter of the southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of section four (4), township twelve (12) north, range fifteen (15) east; thence east to the southeast corner of the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of section two (2), township twelve (12) north, range fifteen (15) east; thence north to the boundary line between townships twelve (12) and thirteen (13) north; thence east along said boundary line between townships twelve (12) and thirteen (13) north to the southeast corner of section thirty-four (34), township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of section twenty-seven (27), township thirteen (13) north, range fifteen (15) east; thence east to the southeast corner of the southwest quarter of the southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of section twenty-three (23), township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of section twenty-three (23), township thirteen (13) north, range fifteen (15) east; thence east to the southeast corner of section fourteen (14), township thirteen (13) north, range fifteen (15) east; thence north to the northeast

corner of said section fourteen (14), township thirteen (13) north, range fifteen (15) east; thence east to the boundary line between ranges fifteen (15) and sixteen (16) east; thence north along said boundary line to the northeast corner of township sixteen (16) north, range fifteen (15) east; thence west to the southeast corner of township seventeen (17) north, range fourteen (14) east; thence north to the northeast corner of section twenty-four (24), township seventeen (17) north, range fourteen (14) east; thence west to the northwest corner of section nineteen (19), township seventeen (17) north, range fourteen (14) east; thence north to the northeast corner of township seventeen (17) north, range thirteen (13) east; thence west to the southeast corner of township eighteen (18) north, range twelve (12) east; thence north to the northeast corner of township eighteen (18) north, range twelve (12) east; thence west to the southeast corner of section thirty-two (32), in township nineteen (19) north, range twelve (12) east; thence north along the east boundary line of sections thirty-two (32), twenty-nine (29), twenty (20), and seventeen (17), all in township nineteen (19) north, range twelve (12) east to the northeast corner of section seventeen (17), in township nineteen (19) north, range twelve (12) east; thence east along the section lines to a point at the middle of Arrow Creek; thence in a northeasterly direction down the middle of Arrow Creek to a point in the center of the main channel of the Missouri River opposite the mouth of Arrow Creek; thence down the middle of the main channel of the Missouri River to the point of beginning. The county seat is Lewistown, Montana."

Section 2. That Section 4327 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

"4327. JUDITH BASIN COUNTY. Beginning at the northeast corner of township sixteen (16) north, range fifteen (15) east; thence west to the southeast corner of township seventeen (17) north, range fourteen (14) east; thence north to the northeast corner of section twenty-four (24), in township seventeen (17) north, range fourteen (14) east; thence west to the northwest corner of section nineteen (19), township seventeen (17) north, range fourteen (14) east; thence north to the northeast corner of township seventeen (17) north, range

Description of
Judith Basin
County boundary.

thirteen (13) east; thence west to the southeast corner of township eighteen (18) north, range twelve (12) east; thence north to the northeast corner of township eighteen (18) north, range twelve (12) east; thence west to the southeast corner of section thirty-two (32), in township nineteen (19) north, range twelve (12) east; thence north along the east boundary line of sections thirty-two (32), twenty-nine (29), twenty (20) and seventeen (17), all in township nineteen (19) north, range twelve (12) east to the northeast corner of section seventeen (17), in township nineteen (19) north, range twelve (12) east; thence west along the north boundary line of sections seventeen (17), and eighteen (18), in township nineteen (19) north, range twelve (12) east; thence west along the north boundary line of sections thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), and eighteen (18), in township nineteen (19) north, ranges eleven (11), ten (10), and nine (9) east, to the northwest corner of section eighteen (18), township nineteen (19) north, range nine (9) east; thence south to the southeast corner of township nineteen (19) north, range eight (8) east; thence west to the southwest corner of said township nineteen (19) north, range eight (8) east; thence south along the range line between ranges seven (7) and eight (8) east, a distance of four and one-fourth ($4\frac{1}{4}$) miles, more or less, to the southeast corner of the northeast quarter of the northeast quarter ($NE\frac{1}{4}$ $NE\frac{1}{4}$) of section twenty-five (25), township eighteen (18) north, range seven (7) east; thence west one-fourth ($\frac{1}{4}$) mile to the southwest corner of said northeast quarter of the northeast quarter ($NE\frac{1}{4}$ $NE\frac{1}{4}$) of section twenty-five (25); thence north a distance of three-fourths ($\frac{3}{4}$) of a mile, to the northeast corner of the northwest quarter of the southeast quarter ($NE\frac{1}{4}$ $SE\frac{1}{4}$) of section twenty-four (24), township eighteen (18) north, range seven (7) east; thence west a distance of three-fourths ($\frac{3}{4}$) of a mile to the quarter ($\frac{1}{4}$) corner on the west boundary of said section twenty-four (24); thence south a distance of four (4) miles, more or less, to the quarter ($\frac{1}{4}$) corner on the west boundary of section twelve (12), township seventeen (17) north, range seven (7) east; thence east a distance of one-half ($\frac{1}{2}$) mile to the center of said section twelve (12); thence south one (1) mile to the center of section thirteen (13), township seventeen (17) north, range seven (7) east; thence east one-half ($\frac{1}{2}$)

mile to the quarter ($\frac{1}{4}$) corner on the east boundary of said section thirteen (13), township seventeen (17) north, range seven (7) east; thence south along the boundary line between ranges seven (7) and eight (8), as corrected by the United States government survey thereof, to the southwest corner of township sixteen (16) north, range eight (8) east; thence east to the southeast corner of said township sixteen (16) north, range eight (8) east; thence south along the boundary line between ranges eight (8) and nine (9) east, as corrected by the United States government survey thereof, to the summit of the main range of the Little Belt Mountains; thence in a southeasterly direction along the summit of the main range of said Little Belt Mountains to the boundary line between ranges ten (10) and eleven (11) east; thence easterly along the divide between the waters of Musselshell River and Judith River to the most easterly point of the Little Belt Mountains at Judith Gap; thence east to the southeast corner of section nineteen (19), township eleven (11) north, range sixteen (16) east; thence north along the east boundary of sections nineteen (19), eighteen (18), seven (7), and six (6), in said township eleven (11) north, range sixteen (16) east; to the northeast corner of the southeast quarter of section six (6), in said township eleven (11) north, range sixteen (16) east; thence west to the northwest corner of said southeast quarter of said section six (6) in said township and range; thence north to the southwest corner of the southeast quarter of section nineteen (19), in township twelve (12) north, range sixteen (16) east; thence west to the southeast corner of section twenty-three (23), in township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of said section twenty-three (23), in township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the southwest quarter of section fourteen (14), in township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of said southwest quarter of section fourteen (14), in township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the northeast quarter of section sixteen (16), in township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of section sixteen (16) in township twelve (12) north, range fifteen (15) east; thence west to the southeast corner of the southwest quarter of the south-

east quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of section nine (9), in township twelve (12) north, range fifteen (15) east; thence north to the northeast corner of the northwest quarter of the southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of section four (4), in township twelve (12) north, range fifteen (15) east; thence east to the southeast corner of the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of section two (2), in township twelve (12) north, range fifteen (15) east; thence north to the boundary line between townships twelve (12) and thirteen (13) north; thence east along said boundary line between townships twelve (12) and thirteen (13) north, to the southeast corner of section thirty-four (34), in township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of section twenty-seven (27), township thirteen (13) north, range fifteen (15) east; thence east to the southeast corner of the southwest quarter of the southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of section twenty-three (23), in township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of the northwest quarter of the northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of section twenty-three (23), in township thirteen (13) north, range fifteen (15) east; thence east to the southeast corner of section fourteen (14), township thirteen (13) north, range fifteen (15) east; thence north to the northeast corner of said section fourteen (14), in township thirteen (13) north, range fifteen (15) east; thence east to the boundary line between ranges fifteen (15) and sixteen (16) east; thence north along said boundary line to the place of beginning."

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 94.

An Act to amend Section 10030 of the Revised Codes of Montana of 1921, Relating to the Probate of Wills.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10030 of the Revised Codes

of Montana of 1921 be and the same is hereby amended to read as follows:

“Section 10030. Probate. When no contest. If no person appears to contest the probate of a will, the Court or Judge may admit the same to probate:

No appearance to contest.

“(a) On the testimony of one of the subscribing witnesses only, if he testifies that the will was executed in all particulars as required by law, and that the testator was of sound mind at the time of its execution.

Testimony of subscribing witness.

“(b) If it appears at the time fixed for the hearing that none of the subscribing witnesses reside in the county, and that the deposition of one of the witnesses to the will can be taken elsewhere, the Court may direct it to be taken and may authorize a photographic copy of the will to be made and presented to such witness on his examination, who may be asked the same questions with respect to it and the handwriting of himself, the testator, and the other witness, as would be pertinent and competent if the original will were present.

Absence of subscribing witness.

Deposition.

Photographic copy of will.

“(c) If none of the subscribing witnesses reside in the county at the time appointed for proving the will, and it is made to appear to the Court that the execution of the will cannot be proven under either of the foregoing subdivisions of this Section, the Court may admit the testimony of other witnesses to prove the sanity of the testator and the execution of the will; and, as evidence of such execution, it may admit proof of the handwriting of the testator and of the subscribing witnesses, or any of them.”

Testimony of other witnesses of sanity and execution.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 95.

An Act Regulating Foreign Corporations Doing Business in This State; Designating the Fees to Be Paid by Such Corporations for Filing in the Office of the Secretary of State Copies of Their Charter or Articles of Incorporation, and Defining the Manner of Computing the Same; Requiring the Filing of Reports and the Making of Statements by Such Corporations, and Repealing Chapter 132 of the Laws of the 18th Legislative Assembly of Montana of 1923, and All Other Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That every foreign corporation required by law to file in the office of the Secretary of State a certified copy of its charter or articles of incorporation shall pay to the Secretary of State for the filing thereof as follows:

Upon the proportion of its authorized capital stock then or thereafter to be represented by its property and business in Montana at the rate of One Dollar (\$1.00) per thousand dollars for the first one hundred thousand dollars; at the rate of eighty (80) cents per thousand dollars for any additional from one hundred thousand to two hundred fifty thousand dollars; at the rate of sixty (60) cents per thousand dollars for any additional from two hundred fifty thousand dollars to five hundred thousand dollars; at the rate of forty (40) cents per thousand dollars for any additional from five hundred thousand to one million dollars; and at the rate of twenty (20) cents per thousand dollars for any additional over one million dollars, provided, however, that no fee for filing shall be less than \$50.00.

Fees for filing
certified copy
of charter or
articles of incor-
poration.

Section 2. Every foreign corporation which is required by law to file in the office of the Secretary of State a certified copy of its charter or articles of incorporation shall annually and between the first days of January and March of each year file in said office a report verified by the oath of its president, vice president, or secretary, stating the proportion of its authorized capital stock represented in the State of Montana by its property located and business transacted therein during the preceding year.

Report of
capital stock.

Section 3. In determining the proportion of author-

ized capital stock employed in this State the same shall be computed by taking the gross business in dollars of the corporation, in the State for the preceding year and adding the same to the full value in dollars of the property of the corporation located in the State and by taking the total gross business in dollars of the corporation, both within and without the State for the preceding year, and adding thereto the full value in dollars of the entire property of the corporation both within and without the State and by then dividing the total value in dollars of the business and property in the State by the total value in dollars of all the business and property of the corporation, the quotient thus obtained to be taken as the percentage of the authorized capital stock represented by the business and property within the State. The Secretary of State may demand as a condition to the filing of such report a statement verified by the president, vice-president or secretary of such foreign corporation, showing in detail the information required for the making of the calculation aforesaid, which statement when so demanded shall be attached to and filed with such report.

Computation of authorized capital stock employed in state.

Verification of report.

Section 4. Whenever such report shall show a greater proportion of the authorized capital stock of such foreign corporation represented by its property and business in Montana than that upon which the fee for filing was based, such foreign corporation at the time of filing such report, shall pay such additional fee as it would have been required to pay for filing if such fee had been calculated on the basis of the proportion of the authorized capital stock represented by its business and property in Montana as shown by such report.

Additional fee.

Section 5. If a foreign corporation has capital stock of no par value, its shares, for the purpose of estimating the amount of fees to be paid hereunder, shall be considered to be of the par value of \$50.00 per share.

No par value.

Section 6. If any foreign corporation shall fail to file such annual report, or to pay such additional fee or shall file a false report, it shall forfeit its right to do business in this State.

Failure to file report, penalty.

Section 7. The provisions of this Act shall apply to all corporations which have entered Montana for the transaction of business subsequent to February 27, 1915.

Application.

Section 8. Chapter 132 of the Laws of the Eighteenth

Legislative Assembly of Montana of 1923, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect upon its passage and approval.

Approved March 10, 1925.

CHAPTER 96.

An Act Providing That the County Treasurer in Counties Maintaining County High Schools Shall Keep Moneys Collected for Maintenance of County and District High Schools in a Separate Fund and Shall Not Pay Out Such Funds Until They Are Apportioned by the County Superintendent and Providing for the Payment of County High School Warrants from Certain Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Separate fund.

Warrants.

Section 1: The County Treasurer in each county where a county high school is maintained shall keep the funds collected for maintenance of the county high school and district high schools in a separate fund and shall not pay out such funds collected for the maintenance of county and district high schools until such time as the County Superintendent has determined the proportion of such funds to which the county high school and each district high school is entitled and has apportioned such funds as provided in Section 1280 of the Revised Codes of Montana, 1921, as amended by Chapter 19 of the Session Laws of 1923; provided, that county high schools may be permitted to draw warrants against such fund before allotment not in excess of one-half of the county high school's share in the anticipated revenues and provided that warrants may be paid out of any funds of the county high school not subject to apportionment.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 97.

An Act to Amend Section 974 of the Revised Codes of Montana, 1921, Providing Days When Office of County Superintendent of Schools Shall Be Kept Open.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 974 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 974. The County Superintendent of Schools shall keep his office open every day when he is not engaged in the supervision of schools except holidays; provided that when he has a deputy or clerk, his office shall be kept open every day in month except holidays.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 98.

An Act to Amend Section 221 of the Revised Codes of Montana of 1921, as Amended by Chapter 93 of the Laws of the Eighteenth Legislative Assembly, and to Repeal Chapter 13 of the Laws of the Eighteenth Legislative Assembly as Being in Conflict Therewith, All Relating to the Fees of the State Examiner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 221 of the Revised Codes of Montana of 1921, as amended by Chapter 93 of the Laws of the Eighteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

“Section 221. STATE EXAMINER’S FUND. For the purpose of the just distribution of the expenses incurred in pursuance of this Chapter, there is created a fund designated “State Examiner Fund.” For the credit of said fund each county of the State shall pay to the State Treasurer for the use and benefit of the General Fund, on or before the first day of June of each year, according to its taxable valuation, as follows:

“State Examiner fund”.

Computation for
amounts payable
to general fund
for "State Exam-
iner fund"
by counties.

Counties having a taxable valuation of five million dollars or less, one hundred and seventy-five dollars.

Counties having a taxable valuation of from five million to seven million dollars, two hundred and twenty-five dollars.

Counties having a taxable valuation of from seven million to ten million dollars, two hundred fifty dollars.

Counties having a taxable valuation of from ten million to fifteen million dollars, three hundred dollars.

Counties having a taxable valuation of fifteen million to twenty million dollars, three hundred and fifty dollars.

Counties having a taxable valuation of from twenty million to thirty million dollars, four hundred and fifty dollars.

Counties having a taxable valuation of from thirty million to forty million dollars, six hundred dollars.

Counties having a taxable valuation of more than forty million dollars, seven hundred and fifty dollars.

Consolidated
counties.

All consolidated county and city governments having a taxable valuation of from thirty million to forty million dollars, eight hundred dollars.

All consolidated county and city governments having a taxable valuation of more than forty million dollars, one thousand dollars.

Seventh class.

All counties hereafter created are to be deemed counties of the seventh class until an assessment of such county has been made and the class thereof determined.

Banks.

Each bank, banking corporation, savings bank, investment and loan company, subject to the supervision of the Superintendent of Banks under the laws of this State, shall on or before the first day of June of each year, pay into the State Banking Fund for the use and benefit of the General Fund, a fee according to its capitalization at the following rates:

All banks, incorporated or unincorporated, having capital stock of twenty-five thousand dollars or under, shall pay one hundred dollars.

Those having capital stock over twenty-five thousand dollars and up to and including fifty thousand dollars, shall pay one hundred twenty-five dollars.

Those having capital stock over fifty thousand dollars

and up to and including seventy-five thousand dollars, shall pay one hundred fifty dollars.

Those having capital stock over seventy-five thousand dollars and up to and including one hundred thousand dollars, shall pay two hundred dollars.

Those having capital stock over one hundred thousand dollars and up to and including three hundred thousand dollars, shall pay three hundred dollars.

Those having capital stock of over three hundred thousand dollars, shall pay three hundred fifty dollars.

Each Building and Loan Association subject to examination by the State Examiner, shall on or before the first day of June of each year, pay into the State Examiner's Fund for the use and benefit of the General Fund, a fee based upon the total assets of such association as shown by its last annual statement and upon the following rates:

Building and
Loan Associa-
tions.

All Building and Loan Associations having total assets in the amount of fifty thousand dollars or less, shall pay a fee in the amount of thirty-five dollars.

Those having total assets over fifty thousand dollars and less than two hundred thousand dollars, shall pay a fee of seventy-five dollars.

Those having total assets over two hundred thousand dollars and less than five hundred thousand dollars, shall pay a fee of one hundred dollars.

Those having total assets over five hundred thousand dollars and less than one million dollars, shall pay a fee of one hundred fifty dollars.

Those having total assets over one million dollars and less than one million five hundred thousand dollars, shall pay a fee of two hundred dollars.

Those having total assets over one million five hundred thousand dollars and less than two million dollars, shall pay a fee of two hundred fifty dollars.

Those having total assets over two million dollars and less than three million dollars, shall pay a fee of three hundred dollars.

Those having total assets over three million dollars and less than four million dollars, shall pay a fee of four hundred dollars.

Those having total assets over four million dollars and

less than five million dollars, shall pay a fee of five hundred dollars.

Those having total assets in excess of five million dollars, shall pay a fee of six hundred dollars.

Special examina-
tion.

Special examinations may be had of any county, city or town, bank, building and loan association and all other offices and boards whether temporary or permanent, however created, and for whatever purpose, having the control, management, collection or disbursement of any public money of any character or description, when in the judgment of the State Examiner it shall be deemed necessary, and such special examinations shall be charged for at a rate of fifteen dollars per day for each examiner employed for the time actually consumed. Such expenses shall be collected by the Superintendent of Banks and paid to the State Treasurer and by him credited to the State Examiner's Departmental Appropriation for the current year.

Expenses.

Fee for examina-
tions.

A fee of twenty-five dollars shall be paid to the State Treasurer for the examination of each Free County High School from the General Fund of such High School, such fee to be credited to the State Examiner's Fund for the use and benefit of the General Fund of the State.

In any case where the current examination shall not have been made prior to the first day of June of any year, the above fees must be paid as herein specified, provided, however, that all examinations shall cover the entire period from the date of the last examination."

Section 2. That Chapter 13 of the Laws of the Eighteenth Legislative Assembly and all Acts or parts of Acts in conflict herewith, be, and the same are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 99.

An Act to Amend Sections 4614 and 4622, Revised Codes 1921, as Amended by Chapter 21, Session Laws 1923, Relating to County Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 4614 and 4622, Revised Codes

1921, as amended by Chapter 21, Session Laws 1923, be amended so as to read as follows:

“Section 4614. REFUNDING BONDS. The Board of County Commissioners of any county is hereby vested with the power and authority to issue and negotiate, on the credit of the County Coupon Bonds to an amount sufficient to enable the county to fund all legal outstanding warrants, orders or bonds; or for the purchase of necessary public building sites, and for the construction of necessary public buildings, public highways, and bridges; for the ordinary and necessary expenses of the county authorized by the general laws of the State; and also for the purpose of enabling any county to liquidate its indebtedness to another county incident to the creation of a new county or the change of any county boundary line; not exceeding in the aggregate, including outstanding bonded indebtedness, five per centum of the assessed value of the taxable property within such county, to be ascertained by the last assessment for State and County taxes previous to the issuing of such bonds; provided, however, that the limitation of five per centum of the assessed value of the property upon which taxes are levied and paid within such county shall not apply in cases where county buildings, bridges or highways are destroyed or damaged by an Act of God, disaster, catastrophe, or accident, which shall be deemed an emergency and bonds may be issued and negotiated to provide for such emergency as provided in this Act not exceeding, in the aggregate, including outstanding bonded indebtedness, eight per centum of the assessed value of the property upon which taxes are levied and paid within said county, to be ascertained as hereinbefore provided; and provided further, that no such bonds (except bonds to fund or refund outstanding warrants or bonds issued prior to May 1, 1923, and except bonds for the purpose of enabling a county to fund its outstanding warrants or orders issued to liquidate its indebtedness to another county incident to the creation of a new county or the change of any county boundary line) shall be issued, negotiated or sold for any purpose whatever, or exchanged for outstanding warrants, orders or bonds, without the approval of a majority of the electors of such county, qualified as provided in Chapter 98 Session Laws 1923, voting at an election at which the question of issuing and selling or exchanging such bonds shall be submitted to the electors of such county,

Power to issue bonds.

Purposes.

Limit.

Proviso.

Emergency.

Approval of electors.

Election.	and which election shall be held in accordance with the provisions of Sections 4719 to 4722, inclusive, of the Revised Codes of Montana, 1921, and shall be governed and controlled thereby. The term "Assessed Value,"
"Assessed value":	as used herein, means the value ascertained or determined by taking the percentage of the full and true value provided, or to be provided, by law, rule or practice, as the basis for the imposition and computation of taxes.
Selling of bonds.	"Such bonds shall not be sold or exchanged at less than their par value with accrued interest, if any, and no brokerage, legal or other fees or commissions of any kind shall be paid any person for preparing or negotiating, or assisting in the preparation, negotiation, sale or exchange of such bonds.
Amortization or serial.	"Such bonds shall be either amortization or serial bonds, as such bonds are defined in Chapter 38 Session Laws 1923, and shall bear such rate of interest as shall be fixed by the Board of County Commissioners but not exceeding six per centum per annum, which interest shall be payable semi-annually. Such bonds shall not be issued for a longer period than twenty years, and all bonds remaining unpaid may be paid and redeemed at any time after the expiration of five years from their date of issue, provided such time and option be stated upon the face of such bonds.
Interest.	
Period.	
Coupons and payment.	"When serial bonds are issued the interest thereon shall be represented by interest coupons payable on the first days of January and July of each year, and such bonds shall be paid in equal annual installments, one installment being payable each year, the amount thereof to be paid and redeemed in each year to be determined by dividing the total amount of bonds to be issued by the total number of years for which said bonds are to be issued; provided, however, that if the date of issue of the bonds shall be prior to the date of the fixing of the county tax levies for the year in which such bonds are issued the first interest on all bonds shall be paid and the first installment of bonds shall be paid and redeemed on the first day of January following the date of the issue of such bonds, but if such date of issue shall be after the date of the fixing of the county tax levies for the year in which the bonds are issued then the first interest on all bonds shall be paid, and the first installment of the bonds shall be paid and redeemed on

the first day of January of the second year following the date of issue.

“Section 4622. TAX—BOND FUND. The Board of County Commissioners, at the time of making the levy of taxes for county purposes must levy a tax for that year upon all taxable property in the county for the payment of interest on and payment and redemption of the bonds of each series or issue outstanding. If such levy is made for the purpose of paying interest on and principal of any series or issue of bonds issued prior to May first, 1923, then such levy must be high enough to raise an amount sufficient to pay one year's interest on all of such bonds then outstanding and to pay such portion of the principal of such bonds as will become due and payable during the ensuing year, if any; and in any event such levy must be high enough to raise an amount sufficient to pay one year's interest on all of such bonds then outstanding and to place in the sinking and interest fund, for the payment and redemption of such bonds on their maturity, an amount not less than a sum produced by dividing the total amount for which such series or issue of bonds was originally issued by the whole number of years for which such bonds were originally issued to run. If such levy is made for the purpose of paying the interest on and principal of bonds (other than amortization bonds) issued on or after May first, 1923, then such levy must be high enough to raise an amount sufficient to pay one year's interest on all of said bonds then outstanding and to pay such portion of the principal of such bonds as will become due and payable during the ensuing year, if any; and in any event such levy must be high enough to raise an amount sufficient to pay one year's interest on all of such bonds then outstanding and to place in the sinking and interest fund, for the payment and redemption of such bonds on their maturity, an amount not less than a sum produced by dividing the whole amount of the principal of all such bonds then outstanding and unpaid by the number of years such bonds have yet to run before their maturity. If such levy is made for the purpose of paying the interest on and principal of amortization bonds, then such levy must be high enough to raise an amount sufficient to pay all amounts becoming due and payable for interest and principal during the year next ensuing. The County Treasurer shall keep in his books a special and separate sinking and interest

Tax levy.
Purpose and
extent of.

fund account for each issue or series of bonds, which account shall at all times show the exact condition of such fund, and all moneys derived from such tax levies shall be paid into the County Treasury and deposited to the credit of the proper sinking and interest fund, and shall be used for the payment of the interest on and principal of such bonds, and for no other purpose whatever; provided, that any money now standing to the credit of any such sinking fund or interest fund, received from taxes heretofore levied and collected for the purpose of paying the interest on or principal of such bonds, shall be transferred to and become a part of such sinking and interest funds, and any such taxes which have become delinquent and shall hereafter be paid shall be deposited to the credit of such sinking and interest funds.

Failure to
make levy.

"If the Board of County Commissioners of any county shall fail or neglect to make a levy in any year sufficient to raise the amount necessary for the payment of interest on and principal of any bonds becoming due and payable during such year, or to place in the sinking and interest fund for such issue or series of bonds the proper amount, as herein provided, the holder of any bond of such issue or series, or any taxpayer paying taxes on property situated in such county, may apply to the District Court of the County issuing such bonds for a writ of mandate to compel the Board of County Commissioners of such county to make a proper and sufficient levy for such purposes, and if, upon the hearing of such application, it shall appear to the satisfaction of the court that the Board of County Commissioners has failed or neglected to make any levy whatever for such purposes, or has made a levy but that the same is insufficient to raise the amount required to be raised under the provisions of this Section, the court shall determine the amount of such deficiency and shall issue a writ of mandate directed to and requiring such Board of County Commissioners, at the next meeting thereof for the purpose of making and fixing county tax levies, to make and fix a tax levy against all taxable property in the county sufficient to raise the amount of such deficiency, which levy shall be in addition to the levy required to be made for the then current fiscal year; provided, that any costs which may be allowed or awarded the petitioner in any such proceeding shall be paid by the members of such Board of County Com-

Writ of Mandate.

Costs to be
charged against
Board.

missioners and shall not be a charge against such county.”

Section 2. This Act shall be in full force and effect on and after July first, 1925.

Approved March 10, 1925.

CHAPTER 100.

An Act to Permit the Organization of Irrigation Districts by the Owners of Water Rights, Having a Common Source of Supply and a Single Intake from Such Common Source of Supply, for the Purposes of Operation and Administration of Said System Without the Necessity of the Acquisition by Such Irrigation District of the Existing Water Rights, System or Works Owned by the Respective Water Right Owners Within the District, and Conferring on Such Districts the Powers, Duties and Status of Public Corporations Organized Under the Irrigation District Law of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is the purpose and intention of this Act, in the furtherance of the public welfare, to provide an effective public agency for the improvement, development, operation, maintenance and administration of certain existing irrigation systems in cases where administration thereof through the agency of a water commissioner is not effective.

Public agency.

Section 2. This Act shall apply only when more than one hundred owners of land, with water rights appurtenant thereto, shall have diverted water by means of a single intake from the source of supply, and shall have provided a single canal for conveying such water to the branches and laterals of an established irrigation system, serving at least one thousand acres of land contiguous in location or of reasonably compact area, and in which the rights to the use of the water shall have been determined by decree of a court of competent jurisdiction.

When applicable.

Section 3. Whenever the owners of land and water rights, situated as described in Section 2 hereof, desire to organize for the purposes mentioned in this Act, such

Proposal and
establishment.

owners may propose the establishment and organization of an irrigation district under the provisions of Sections 7166 to 7264, inclusive, of the Revised Codes of Montana of 1921, and amendments thereof and additions thereto, in so far as such laws are applicable hereto and not in conflict with the purposes and provisions of this Act.

Sections not
applicable.

Section 4. The provisions of Chapter 34, Section 7195, Section 7202, Section 7203, Section 7205 and Section 7207 of the Revised Codes of Montana of 1921, shall have no application to the organization of irrigation districts hereunder.

Apportionment
of water.

Section 5. The board of commissioners shall apportion the water for irrigation among the lands of the district in a just and equitable manner, and in compliance with the decree adjudicating the rights thereto, but the maximum amount apportioned to any land shall be the amount that can be beneficially used thereon.

Authority to
develop source
of supply.

Section 6. The board of commissioners of such irrigation district shall have authority to develop the source of supply and increase the means of distribution of water to the end that all owners of water rights under said system shall receive the amount of water which can be beneficially used upon their lands within the district; provided, however, that not more than Four Dollars per acre, against each irrigable acre of land in the district, shall be levied in any one year on account of administrative expenses, cost of maintenance and repairs, development of water supply, or enlargement of distribution facilities.

Tax levy.

Section 7. The annual tax levy, and the apportionment and distribution of the total amount required to be raised in any year shall be had and done in accordance with the provisions and limitations of law applicable to irrigation districts organized under the provisions of Sections 7166 to 7264, inclusive, of the Revised Codes of Montana of 1921, and amendments thereof and additions thereto.

Purpose of act.

Section 8. It is the purpose and intention of this Act to extend to irrigation districts organized hereunder the powers, duties and status of the public corporations organized under the irrigation district laws of the State of Montana, as the same may now, or hereafter exist; provided, that neither such districts nor the board of

commissioners thereof shall have any power or authority to issue bonds or incur indebtedness, other than warrant indebtedness, under the limitations proposed by law; and provided further, that this law does not contemplate the acquisition by the district of the existing water, water rights or system or works owned by the respective water right owners within the district.

Section 9. Any irrigation district which has been heretofore organized under procedure in substantial compliance with the provisions of this Act shall, upon the passage and approval of this Act, become a public corporation, with the privileges and powers hereby conferred, to the same extent as if such irrigation district were organized under the authority of this Act.

Public
corporation.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 101.

An Act to Amend Section 6358 of the Revised Codes of the State of Montana, 1921, Relating to the Powers of Building and Loan Associations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6358 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 6358. Such corporations shall have power to issue stock to members on such terms and conditions as the constitution and by-laws may provide. To assess and collect from members such dues, fines, interest, fees, and premium on loans made, which premium shall not exceed one per centum of the amount of the loan, or other assessment as may be provided for in the Constitution and By-Laws. Such dues, fines, premiums, fees, or other assessments shall not be deemed usury, although in excess of the legal rate of interest; provided that the fines in delinquent payments and interest charged shall not exceed 12% per annum. To permit members to withdraw all or part of their stock at such time and upon such terms as the Constitution and By-Laws may provide; provided, that no charge or fee, except as

Power to issue
stock.

To assess and
collect dues, etc.

Permit with-
drawal of stock.

herein provided, shall be made against any member who withdraws his stock after having given thirty days' notice of such withdrawal; provided also, that no fine of any description shall be made upon the par value of such stock or upon the declared dividends because of such withdrawal. Any member who withdraws his stock, or whose stock is matured, shall be entitled to receive all dues paid in and all dividends declared, less fines imposed for non-payment of dues, less a reasonable membership fee not exceeding two dollars for each share of stock, and less a pro rata share of all losses, if any, which have occurred, and no other fine or assessment shall be made against such stock. To cancel shares of stock upon which all payments have been withdrawn, or upon which loans have been cancelled, and reissue them as new stock. To issue stock to minors and permit the same to be withdrawn as other stock, and the receipt of such minor shall be a valid acquittance if his rights have been fully secured to him. To acquire, hold, encumber, and convey such real estate and personal property as may be necessary for the transaction of its business, or necessary to enforce or protect its securities. To borrow money not exceeding twenty per cent. of its assets, and issue its evidence of indebtedness therefor. To make loans to members on such terms, conditions, and securities as may be provided in the Constitution and By-Laws. Provided, however, that in all cases where the promissory note or other written evidence of the loan made by any building and loan association calls for the payment of a gross sum of money which includes, in addition to the amount of the loan, the total aggregate interest which said loan will earn at maturity, and where the said note or other evidence of said loan requires the payment of said loan or the said total aggregate sum of principal and interest in periodic installments, said promissory note or other written evidence shall specifically state the actual interest rate upon the amount actually loaned that will be charged the borrower at each periodic payment and at which his said payments will be credited, and such payments hereafter, when so made, shall be distributed by crediting the same first upon the interest at said specified rate than earned upon the unpaid balance of the loan and the remainder upon the principal of the loan; provided, however, that in all notes and mortgages now in force which do not specify the rate of interest,

Cancel shares.

Issue stock to minors.

Borrow money.

Make loans.

Proviso.

Proviso—rate of interest.

all payments made on said notes, when so made, shall be distributed by crediting the same first upon the interest on the unpaid balance of the loan at the rate actually earned under the terms of the notes and mortgages and the remainder upon the principal of the loan; and no charges or deductions from any of said periodic payments shall be permitted by any such association not specifically provided for in said promissory note or other evidence of said loan. To cancel such loans and release the securities on such terms as the Board of Directors may provide. But any borrower may have his loan cancelled upon the following terms, to-wit:

Cancel loans.

After the premium for one year has been paid, and also the premium and interest which shall not exceed ten per cent per annum up to the date of cancellation, the borrower shall pay the sum actually borrowed, less the dues paid and the dividends credited. He shall pay also any fines or other assessments required by the Constitution and By-Laws. To invest the money of the association in city, county, or State Warrants and Bonds. To loan money to other building and loan associations. To accumulate from the earnings and invest, as the Board of Directors may determine, a reserve fund for the payment of contingent losses. To make such annual or semi-annual distribution of the earnings (after paying expenses and setting aside a sum for the reserve fund as hereinafter provided), as the Constitution and By-Laws may prescribe. To increase or decrease its authorized capital or the face value of its shares at any time by a majority vote of its directors, and a certificate of such action shall be made by the president and secretary, and duly filed with the Secretary of State. To dissolve the corporation when its continuance shall be deemed by a majority of its members to be no longer desirable, subject, however, to the vested rights of its members. To provide by constitution adopted by its Board of Directors for the proper exercise of the powers herein granted, and the conduct and management of its affairs. All such other powers as are necessary and proper to enable such corporation to carry out the purpose of its organization."

What borrower shall pay.

Invest money in bonds, etc., and loan to associations.

Reserve fund.

Distribution of earnings.

To increase or decrease authorized capital.

To dissolve.

Other powers.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 102.

An Act to Amend Section 1282 of the Revised Codes of Montana of 1921, as Amended by Chapter 19 of the Laws of the Eighteenth Legislative Assembly, Relating to Attendance at County High Schools by Providing for Certain Fees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1282 of the Revised Codes of Montana of 1921, as amended by Chapter 19 of the Laws of the Eighteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

Who may
attend.

Proviso for fees.

“Section 1282. Attendance at any high school to whose support such money is apportioned in accordance with the provisions of this Act shall be free to all eligible pupils residing in the county in which said accredited high school is located; provided, however, that the Board of Trustees shall have power to require students in the commercial, manual training, domestic science, scientific and agricultural courses to pay a fee for the use of typewriters and other special equipment and to cover the costs of breakage and material used in the laboratories and shops of the school, which fee shall not exceed the actual cost to the high school of the material used or broken, or the reasonable value of the use of any special equipment.”

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 103.

An Act to Amend Section 6 of Chapter 154, Session Laws of 1923, Relating to Bonds and Insurance Policies Required to Be Filed Under Said Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 6, Chapter 154, Session Laws of 1923 shall be, and the same is hereby amended to read as follows:

“Section 6. No transportation company shall, subsequent to the taking effect of this act, operate any motor vehicle, motor bus, bus trailer, semi-trailer or other

trailer in connection therewith, for the transportation of persons or property for compensation on any public highway in this state without first having filed with the railroad commission of Montana a good and sufficient bond with such surety or sureties and conditions satisfactory to the railroad commission, or a public liability and property damage policy written by a casualty company, satisfactory to the Board of Railroad Commissioners of Montana, in such an amount as the railroad commission may deem necessary to adequately protect the interests of the public, with due regard to the number of persons and amount of property involved, which surety bond or public liability and property damage policy shall be conditioned to insure the transportation company against its legal liability for injury to the public and damage to property thereof resulting from the negligent operation of such motor vehicles.

Transportation company to file bond with R. R. Commission.

Bond requirements.

The foregoing shall not prevent the acceptance of cash or its equivalent in lieu of bonds or insurance policies. Said railroad commissioner shall also require a satisfactory bond in such penal sum and conditioned upon the payment of all fees or charges which may be due the state under any permit for operation and for the faithful carrying out of any permit granted by the railroad commissioners and which it has authority by law to grant, and no transportation company which shall fall within the terms of this act, and has given the bonds herein required shall be required to give any other bond or security by any city or town, or other agency of the state. Personal sureties shall not be accepted by the railroad commission upon any bond provided by this act."

Bond to secure payment of fees or charges.

Personal sureties not acceptable.

Section 2. If any section, sub-section, sentence, clause, or phrase of this act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislative Assembly declares that it would have passed this act and each section, sub-section, sentence, clause, and phrase thereof irrespective of the fact that any one or more section, sub-sections, sentence, clauses, or phrases be declared unconstitutional.

Section 3. This Act shall be in full force and effect on and after its passage and approval.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 10, 1925.

CHAPTER 104.

An Act to Amend Section 6355 of the Revised Codes of Montana 1921, Relating to the Organization of Building and Loan Associations, and Placing Same Under the Control of the State Examiner and Ex-officio Superintendent of Banks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6355 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 6355. A corporation for the purpose of raising money to be loaned among its members shall be known in this Act as a building and loan association, and shall be under the supervision of the State Examiner and Ex-officio Superintendent of Banks whose duty it shall be to enforce all laws with respect thereto; such associations shall be organized under the laws of this State relating to corporations, and shall be conducted under the Banking Laws of Montana, so far as applicable, except as otherwise provided in this Act.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 105.

An Act Imposing Certain Duties on County Superintendents of Schools in Connection with the Levying of Taxes in Joint School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Board of School Trustees of each joint school district, at the time of certifying to the Boards of County Commissioners the amount of money needed by such joint school district, and which is to be raised by a special tax levy for the General Fund of the joint school district, for bond sinking and interest funds, and for each other fund for which a special tax levy may be made, shall also deliver or transmit a copy of such certificate, or certificates, to the County Super-

Joint School
Districts.

Certificate of
Tax Levy to
be delivered to
each superin-
tendent.

intendent of Schools of each county in which any part of such joint school district is situated. The County Superintendents of all such counties must, either by correspondence, meetings, or in some other manner, ascertain and determine the number of mills which should be levied in such joint school district for each fund for which a levy is to be made, and which must be the same for each fund throughout the entire joint district, but must not exceed the limits prescribed by law for such levies. The number of mills to be levied for each such fund shall be ascertained and determined by such county superintendents by dividing the amount of money so certified as being required or needed for each such fund by the assessed valuation of the joint school district for such year and by then changing the fraction or decimal resulting therefrom to mills. After ascertaining and determining the number of mills which should be levied for each such fund, in the manner herein provided, all such county superintendents of schools shall make and sign a joint statement, addressed to the Board of County Commissioners of each county in which a part of the joint school district is situated, setting forth the number of mills which should be levied for each fund, as so ascertained and determined by such County Superintendents, by the Boards of County Commissioners of such counties, and shall deliver or transmit one copy of such statement to each such Board of County Commissioners not later than the Saturday immediately preceding the second Monday in August.

Superintendent
to determine
levy.

Joint statement.

Section 2. At the time of fixing the tax levies for county and school purposes the Board of County Commissioners of each county in which any part of the joint school district is situated, shall fix the tax levy for each fund for such joint school district at the number of mills for each such levy recommended by such Superintendent of Schools in such joint statement, it being the purpose of this Act to require that every tax levy for each fund for a joint school district shall be uniform and at the same rate throughout the entire joint district for such fund.

Commissioners
to fix tax
levy.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 106.

An Act Providing the Terms for Which State Senators and County Commissioners Shall Hold Office, Where Elected at a Special Election Held for the Purpose of Voting Upon the Creation of a New County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. At the special election held for the purpose of voting on the creation of a new county, a state senator shall be elected, who will hold office until the next general election.

Section 2. At the special election held for the purpose of voting on the question of the creation of a new county, a board of county commissioners shall be elected, who shall hold office until the next general election.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 107.

An Act to Amend Section 1275 of the Revised Codes of Montana of 1921, as Amended by Chapter 69 of the Session Laws of 1923, Relating to County High School Tax and Distribution Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1275 of the Revised Codes of Montana of 1921, as amended by Chapter 69 of the Session Laws of 1923, be, and the same hereby is, amended to read as follows:

“Section 1275. At the regular April meeting, or at some subsequent meeting, called for such purpose, said trustees shall make an estimate of the amount of funds needed for building purposes, for payment of teachers’ wages, and for payment of contingent expenses, and they shall present to the Board of County Commissioners a certified estimate of the rate of tax required to raise the amount desired for such purposes, and the Board of County Commissioners must levy such tax as other

Trustees to estimate funds needed for building purposes, wages, expenses.

Estimate on tax.

county taxes are levied. But in no case shall the tax for such purposes exceed in one year the amount of six mills on the dollar on the taxable property of the county.

If said tax exceeds five mills, the proceeds of five mills shall be apportioned as heretofore provided by law, and the balance of said tax shall, at the option of the County High School Board, be used for the support of the county high school alone, or, at its direction, be distributed among the several high schools of the county on the same basis and in the same manner as the other five mills are distributed.”

Apportionment
of tax.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 108.

An Act to Assist in the Control of and Eliminate Duplication of Service of Persons Engaged in Duties of Traveling Under Any State Department and Requiring Said Persons to Make Reports to the Board of Examiners and Providing for the Method of Making a Record of and Filing Said Reports and Requiring Said Board of Examiners to Examine Said Reports and Take Action Thereon Regarding Consolidation of Positions and Duties of Persons So Employed and the Dispensing with the Service of Persons Unnecessarily Employed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person engaged in any service in every Department of State, inclusive of persons in elective or appointive positions or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the State under monthly or yearly salary, or who may be sent by any authorized executive of any Department of the State upon a mission in performance of any clerical work, investigating, reporting, examining, educational service, demonstration work, supervisory or extension work or otherwise of every kind and character, shall make an itemized state-

Itemized statement required for what done and expense while away from department.

ment tersely stating in what capacity engaged each day while away from the department in which said daily duties may arise and the expense incurred daily and shall render to the Board of Examiners the said itemized statement, and at the end of each month, or if sooner required by said Board, the said person so engaged shall render a total or recapitulation account thereof in a form to be prescribed by said Board.

Form.

Section 2. That the form mentioned in Section one above shall be substantially in small paper booklet form for each month with a page for every day showing expense items of each day in detail, such as meals, railroad fare, lodging, livery, telephone, telegrams and other items, and opposite each page in said monthly booklet, there shall be another page or space whereon mention shall be made by such person of the kind of duty performed on said day.

Files

Section 3. That said Board of Examiners shall keep a separate file for each person engaged in this Act contemplated, and file reports and statements from each said person therein to be kept under the distinct and separate months of the year and group said files under each month of the year.

Investigation
of reports and
record in
minutes.

Section 4. That every three months the said Board shall investigate at one of its meetings the reports and files of each person who may be employed as herein mentioned, and make record in the minutes of the Board meeting as to any apparent duplication of services of any person with another within the same department or with other departments of State or the overlapping of such service as stated above from or within any department, and said Board shall make recommendations to one or more departments regarding the elimination of services of persons who, in the opinion of the Board, are unnecessarily employed, and when within the power of the said Board to dispense with the services of said persons, to consolidate the work of any two or more persons.

Recommendations
by Board.Separate reports
for different
departments.

Section 5. The statements and reports herein required to be made by the persons employed in various departments shall be distinct and separate from other reports and detail that may be required to be made to the departments wherein such persons are respectively employed.

Section 6. That this Act shall not be construed to change in any manner the existing laws of the state pertaining to the conduct of any County, City or Municipal office.

Section 7. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect from and after June 1st, 1925.

Approved March 10, 1925.

CHAPTER 109.

An Act Fixing Bounties Upon Certain Predatory Animals; Prescribing the Manner in Which Said Bounties Shall Be Paid; Appointing Bounty Inspectors; Prescribing the Form of Affidavit for Bounty Claim; Creating a State Bounty Fund; Providing for the Disposition of Surplus Funds; Declaring the False Making, Altering, Figuring or Counterfeiting of Any Certificate or Claim or Order to Be Forgery and Providing a Penalty Therefor; Authorizing the Tax Commission or the Department of State Whose Duty It Is to Fix Tax Levies Annually, to Prescribe a Levy Against Live Stock; Providing for the Powers and Duties of the Livestock Commission Relative to the Provisions of This Act; Making Other Violations of This Act a Misdemeanor and Providing a Penalty Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. BOUNTIES ON WOLVES, COYOTES, AND MOUNTAIN LIONS. There shall be paid from the bounty funds of the state for the killing of wild animals inimical to the stock industry or to game, the following bounties, where such animals are killed between April first and July first inclusive: for each grown wolf, fifteen dollars; for each grown coyote or for each coyote pup or wolf pup, two dollars; for each mountain lion, twenty dollars. Bounties.

Section 2. CLAIMANT SHALL EXHIBIT SKIN Any person killing any of the aforesaid animals, except mountain lions, to obtain bounty thereon, shall, within thirty days of the date of the killing, exhibit the entire skin or skins of the said animal or animals, including Evidence of killing.

the entire head with ears, the tail, and all four (4) paws to the bounty inspector nearest to the locality in which the animal or animals were killed, and shall, at the same time file with the bounty inspector, as hereinafter provided, an affidavit setting forth that he killed the animal or animals from which the skin or skins were taken; that the same was killed nearer to, or if more than one hide is presented, that the greater number were killed nearer to the residence of the said bounty inspector to which the same was presented, than to any other bounty inspector, and also state the county or counties in which said animals were killed; and every bounty inspector appointed under the provisions of this act shall be empowered to administer oaths to any and all persons making any affidavit as aforesaid; provided, however, that any person killing any mountain lion, to obtain bounty thereon, shall present the same to a bounty inspector as provided in this section for wolves and coyotes, except that in addition to the requirements of this section the skins of mountain lions shall also contain the entire skin of the lower jaw, which shall be severed by the bounty inspector and thereafter treated in the same manner as scalps of wolves and coyotes herein provided.

Section 3. SHERIFF AND DEPUTIES TO ACT AS BOUNTY INSPECTORS.

CLAIM FOR BOUNTIES.

It shall be the duty of the sheriff of any county in this state, and of all under-sheriffs and deputy sheriffs located at the county seat, but not elsewhere, to receive and examine all skins and pelts presented for bounty within their respective counties; the said sheriff shall receive ten cents for each skin examined, said amount to be paid by the owner of the skin. Each sheriff, under-sheriff, and deputy sheriff, to prevent fraud, shall minutely examine each skin presented, and should such examination disclose that the scalp and ears with the skin from the entire head of such animal or animals have not been severed, punched, patched, or in any manner marked, he shall, there in the presence of the person presenting such skin, mark such skin by severing the skin from the head, including the ears, and then redeliver the skin or skins to the person presenting the same, and shall require the following affidavit from the claimant:

Sheriff to receive and examine evidence.

Prevention of fraud.

Bounty Claim.

State of Montana

County of

} ss.

Affidavit of Claimant.

Form of claim.

....., whose post office address is
 being first duly sworn,
 deposes and says: That he killed or caused to be killed
 the animal.....from which the skin.....now here pre-
 sented to....., the sheriff or deputy sheriff
 in and for the said county of....., was
 taken; that such an animal was killed within the bounds
 of the county of..... within the thirty days
 last past, and that the same or the greater number of
 them were killed nearer to the residence of said sheriff
 or deputy sheriff than to the residence of any other
 sheriff; that his claim is made for bounty pursuant to
 law for.....(.....) and(.....)
 actually killed or caused to be killed by affiant afore-
 said; and that all blanks in this affidavit have been filled
 out by the affiant in his own handwriting, or that be-
 cause of affiant's inability to write, such blanks were
 filled out by....., a person other than
 the sheriff or deputy sheriff, at the request of said af-
 fiant; and that such person so acting for affiant, in fill-
 ing out the blanks has signed his name hereto at the
 affiant's request, below the name of the affiant, for the
 purpose of identification of this affidavit, as by law re-
 quired.

Subscribed and sworn to before me this.....day
 of.....192.....

..... Sheriff, ...

County, ... Montana. And shall re-
 quire affidavits from two resident taxpayers residing in
 the vicinity in which such animal or animals were killed,
 setting forth that they are resident taxpayers on live-
 stock, giving their postoffice addresses and stating that
 they are personally acquainted with the person present-
 ing the skin or skins, and to their knowledge, informa-
 tion, and belief, said person did kill or cause to be killed
 the animal or animals from which the skin or skins were
 taken within thirty days preceding the offering of such
 skin for a bounty to the sheriff, under-sheriff, or deputy
 sheriff to which the same is presented; and he shall at
 the same time make out and deliver to said person a

Affidavits.

Certificate to clerk.

certificate addressed to the county clerk of his county, and immediately deliver to said county clerk a duplicate thereof, showing the date, number, and kind of skins so marked for severing, and the name of the person presenting the same; also the fact of the filing of the affidavits of taxpayers heretofore required and the examination made as required, and said certificate shall be duly signed by him in his official capacity; provided, that when any doubt shall exist as to the kind of skin or skins presented, whether wolf or coyote, the certificate shall be issued for the lesser bounty; and each sheriff shall keep a record in a bound book of all the skins so marked and severed, showing the date, number, and kinds and the names of the persons presenting the same, which book shall be a book of official record. Neither the sheriff, under-sheriff, nor deputy sheriff shall perform any duties under the provisions of this act except at the county seat.

Penalty for violation

Wilfully making a false certificate or affidavit in any material portion thereof by any taxpayer as herein provided shall be a felony, punishable the same as a crime of perjury. The sheriff shall, not later than the fifteenth of each month, render to the county clerk and recorder a report setting forth the names of the persons presenting skins, with the number of the certificate, the kind and number of the skins so presented, as to each and every certificate which he has issued during said month. The county clerk shall, upon the receipt of each said certificate, file the same in the order in which they are received, and safely keep them until the arrival of the skin or skins mentioned in such certificate; and upon the receipt of said skin or skins he shall call to his assistance either the county treasurer or in his absence, the clerk of the district court, who, being present, shall both, in order to prevent fraud, minutely examine each scalp; and should such examination disclose that the scalps, as heretofore specified, of such animal or animals, agree with the number and kind of scalps or lower jaw of mountain lion mentioned in the said certificate, the county clerk shall thereupon, in the presence of said treasurer or clerk of the district court, destroy said scalps, by fire; and said county clerk shall then make out and deliver to the person named in said certificate a second certificate showing the statement of the facts as contained in the certificate to the sheriff, under-sheriff, or deputy sheriff, with the additional statement

Report to clerk.

File certificate.

Assistance in examination.

Second certificate.

of the examination so made by him, and that he found said scalps to agree with the number and kind mentioned in the certificate of said sheriff, under-sheriff, or deputy sheriff, and so stated there in said certificate. In no case should a bounty certificate be issued by the county clerk for more scalps than are actually received and counted by him; and the county clerk shall receive for each scalp, or mountain lion lower jaw, accounted for by him, the sum of five cents, to be paid quarterly by the state treasurer out of the bounty fund. The county clerk shall keep a record, in a bound book of all certificates so received and issued, showing the date and description of the number and kind of hides, and the names of the persons presenting the same, which book shall be an official record. County Clerks are required to send a report and statement to the Live Stock Commission on or before the twentieth of each month..

Limit on issuance of certificate.

Record of certificates.

Section 4. BOUNTY CLAIMS AND CERTIFICATES TO BE FILED WITH LIVE STOCK COMMISSION.

All bounty claims and certificates issued by the county clerks and recorders of the several counties of this state under the provisions of Section 3 of this act shall be filed in the office of the livestock commission and registered in a book provided for that purpose.

File with Live Stock Commission.

Section 5. INVESTIGATION AND INDORSEMENT OF BOUNTY CLAIMS AND CERTIFICATES—NOTICE OF DISAPPROVAL. It shall be the duty of the livestock commission to examine into and investigate every such bounty claim and certificate filed with such commission, and in making such examination and investigation, the commission may require the holder of any such certificate or claim to furnish the commission with such additional evidence or proof with reference thereto as the commission may deem necessary and proper, and such evidence may be either oral or documentary as required by the commission. The livestock commission shall, after making such examination and investigation, indorse on such certificate or claim its approval or disapproval thereof, and if the same or any part thereof be disapproved, such indorsement shall state the reasons for such disapproval. If any such certificate or claim be disapproved by the commission, either in whole or in part, the commission shall immediately notify the holder thereof of the action of the commission and of the reasons therefor, and the date when said certificate

Commission to examine bounty claim and certificate.

Additional evidence.

Approval or disapproval.

or claim will be presented to the state board of examiners for its action thereon.

Certificate to
be delivered to
Examiners.

Section 6. DELIVERY OF CLAIMS AND CERTIFICATES TO BOARD OF EXAMINERS. The livestock commission shall, after such examination and investigation has been completed and the proper indorsement has been made on such certificate or claim, deliver the same to the state board of examiners for allowance or disallowance.

Indorsement by
Examiners.

Section 7. INDORSEMENT BY BOARD OF EXAMINERS—WARRANTS. If the state board of examiners approve and allow any such certificate or claim, they must indorse thereon over their signatures, "Approved for the sum of.....dollars" and transmit the same to the office of the state auditor, and the auditor must draw his warrant on the state bounty fund for the amount so approved or allowed, in favor of the claimant, or his assigns, in the order in which the same is approved.

Warrant.

Use of surplus
fund.

Section 8. APPLICATION OF SURPLUS FUNDS. If, at the end of any bounty paying season, there shall be a surplus in the state bounty fund, such surplus may be used to hire salaried hunters and trappers to hunt and trap predatory animals and to purchase and supply poison to be used for a poison campaign on predatory animals.

Sale of furs, etc.

All furs, skins and specimens, taken by hunters or trappers, whose salaries may be paid in whole or in part out of the fund herein created, shall be sold by the livestock commission, and the proceeds from such sales shall be credited to the bounty fund, the same to be used in the further carrying out of the provisions of this act, provided that any specimens so taken may be presented, free of charge to any state museum or institution.

Penalty for
perjury or
forgery.

Section 9. PERJURY AND FORGERY—PENALTY. Any person who shall falsely make, alter, forge, or counterfeit any of said certificates or orders shall be deemed guilty of forgery, and any person who shall falsely swear to any affidavit provided for by this act, or procure the same to be done by another, with the intent of obtaining any one of said certificates or orders, shall be deemed guilty of perjury, and any person convicted of any of the offenses declared in this section shall be punished by imprisonment in the state's prison for a

term of not less than one year nor more than ten years.

Section 10. There is hereby created a fund, to be known as the 'Bounty Fund'. The Tax Commission, or the department of state whose duty it is to fix tax levies, shall annually prescribe the levy recommended by the livestock commission to be made against livestock of all classes, for the purpose of paying for the destruction of wild animals killed within the state, which tax in any one year shall not exceed one and one-half ($1\frac{1}{2}$) mills on a dollar upon the assessed valuation of such livestock, and such moneys so received shall be used and applied only to the payment of claims for the destruction of wild animals and to the administration of the provisions of this act, approved by the livestock commission, and the moneys received for the taxes so levied shall be transmitted annually with other taxes for state purposes to the state treasurer by the county treasurer of each county, and when received by the state treasurer shall be placed to the credit of the bounty fund, and such moneys shall thereafter be paid out on claims approved as aforesaid, duly and regularly presented to the state board of examiners, in accordance with the law governing the payment of claims allowed by said board, and all moneys in said fund are hereby appropriated for such purposes.

Bounty fund.

Levy of tax.

Section 11. PENALTY FOR FRAUDULENT CLAIMS. Any person or persons who shall patch up any skin or scalp, or who shall present any punched or patched skin or scalp, or who shall bring in any skin or skins from other states or territory, with the intent to obtain the bounty on the same fraudulently, or any officer who shall sign any certificate herein provided for without first counting the skins and examining the same to determine the kind of skins, and to see that the skin from the scalp or head is properly severed and preserved as hereinbefore provided or shall evade or violate any provision of any law of the State of Montana relative to bounties or bounty claims, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine, and imprisonment, and that two-thirds of the fine, if the same be collected, or can be collected, shall be given to the informer, and the balance be converted into the state bounty fund.

Fraudulent
claims and
penalty for.

Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 110.

An Act to Authorize the District Courts of the State, Under Certain Conditions, to Order Sale or Other Disposition, or Mortgage or Lease of Property, Real or Personal, Held in Trust by Written Instrument, Upon Application to the Court by the Trustee, or Any Beneficiary; and Providing Procedure Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. When any trust is expressed in the instrument creating the trust estate, every sale, conveyance or other act of the Trustee in contravention of the trust shall be absolutely void, except as in this Act provided. The District Court of the county wherein the property, whether real or personal, or any part thereof, held in trust is situate may by order, on such terms and conditions as seem just and proper, authorize any such Trustee, whether he be beneficially interested in such trust property or not, to sell or otherwise dispose of, or lease the property, for the development of its mineral resources, or mortgage all or any part of such trust property, whether real or personal, whenever it appears to the satisfaction of the Court that it is necessary, or for the benefit, or for the best interest of the trust estate, or of the person or persons beneficially interested therein holding the first and present estate, interest or use, and that it will do no substantial injury to the heirs or next of kin, or others in succession, expectancy, reversion or remainder, in respect of such property.

Court to authorize by order any act of trustee.

To sell or mortgage.

Section 2. The District Court may, by order, on such terms and conditions as seem to it just and proper, authorize such Trustee to lease such property for a term exceeding five (5) years, if it appears to the satisfaction of the Court that it is for the best interest of the trust estate, and may authorize such Trustee to covenant in the lease to pay, at the end of the term or any

Order to lease.

renewal term, to the lessee, the then fair and reasonable value of any buildings and improvements which may have been erected or placed on the leased premises during such term or renewal term.

Section 3. The District Court may, by order, on such terms and conditions as may be just and proper, authorize such Trustee to lease such property for the purpose of developing the mineral resources of the same for a term of years under the usual terms and conditions and under such terms and conditions as to the Court may seem just and equitable.

Lease for development purposes.

Section 4. Application to the Court for such Order to sell or otherwise dispose of, or mortgage such trust property, real or personal, or any part thereof, or to lease such trust property, real or personal, or any part thereof, shall be by duly verified petition made by such Trustee, or any person beneficially interested in such property. Such petition shall set forth the nature of the trust estate, the particular facts making it necessary or proper for the application to be granted, a description of the trust property to be sold or otherwise disposed of, or mortgaged, or leased, and the interest of the petitioner therein. Such petition and the notice of hearing thereof shall set out, so far as appears of record or as known to the petitioner, the names, and in addition such petition shall set out the places of residence of all persons, who have any right, title, interest, estate or lien, and the nature thereof, in or upon the trust property, or who, by the terms of the instrument creating the trust, may at any time thereafter have any such right, title, interest, estate or lien, and the nature thereof. If there be persons having, or claiming to have, or who, at any time thereafter, may have any interest in the trust property, whose names are unknown, it shall be lawful to include such persons in such petition and the notice of hearing thereof, by the name and description of unknown persons interested in the trust property, and, to that end, such petition and notice, in addition to setting out the names of the persons aforesaid, may contain the following:

Application.

How made.

Petition—contents of.

“Also all other persons unknown, having, or claiming to have, or who at any time may have any right, title, interest, estate or lien in or upon the trust property.” Such petition, together with a copy, annexed thereto, of the deed, will or other written instrument

Filing.

creating the trust estate, shall be filed in the office of the Clerk of the District Court of the County wherein such property, or some part thereof, is situate. Upon the filing of any such petition, the District Court shall, by order, fix a time and place of hearing the same. Such hearing may be at Chambers, or at a general or special term of the Court wherein the proceedings are pending.

Order fixing
time and place
of hearing.

Notice of hearing.

Section 5. Notice of such hearing stating the time and place thereof and the objects of the Petition shall be served upon all persons named in the petition as having any right, title, interest, estate or lien in or upon the trust property, or who, by the terms of the instrument creating such trust, may, at any time thereafter, have any such right, title, interest, estate or lien. Such notice shall be served, in the same manner as a summons in a civil action, at least ten (10) days before such time of hearing. If any such person, whose name is set out in the petition, be not a resident of the State, or if his place of residence is unknown to the petitioner, then, upon the filing in said court of an affidavit of the petitioner, his agent or attorney, alleging that he believes that such person is not a resident of the State, and that he has mailed a copy of such notice to him at his last known place of residence, or that his place of residence is not known and cannot be ascertained by the affiant, the service of such notice upon such person may be made by publication thereof for two (2) successive weeks in a regularly published newspaper, of general circulation, in the county wherein such proceedings are pending, or, if no such newspaper be published in such county, the publication may be made in such newspaper published in an adjoining county. Service of such notice may be had upon all persons named and described in such petition and notice, as unknown persons interested in the trust property, by publication of such notice in the same manner and for the same time, as in the case of non-residents whose names are set out in the petition, upon the filing in said court of an affidavit by the petitioner, his agent or attorney, stating that there are, or that affiant is informed or believes there are, certain persons, in addition to those whose names are set out in such petition, who have, or claim to have, or may have some right, title, interest, estate or lien in or upon the trust property, the nature of which

Service of
notice

On non-resident.

By publication.

is, as well as the names and places of whom are, to affiant unknown.

Section 6. In case any person, whose name is set out in such petition, is a minor or a person of unsound mind, such notice of hearing shall be served upon the duly appointed guardian, or other legal representative of such person, if any. If there be none, then the District Court in which such proceedings are pending shall appoint a guardian, ad litem, for such person and may compel the person so appointed to act. In such case, service of such notice of hearing shall be had by service on such guardian, ad litem.

Notice to minors,
persons of un-
sound mind.

Guardian
ad litem.

Section 7. Upon proof being filed of the service of such notice, the court, at the time and place therein fixed or to which the hearing may be adjourned, shall hear all competent evidence offered for and against the granting of such petition, regulating the order of proof, as it may deem best, and shall make and enter a final order upon the application. If the application is granted, the final order shall authorize the sale or other disposition, or the mortgaging or leasing, as the case may be, of such trust property, or part thereof, in manner and upon such terms as the court may prescribe. Any such sale or other disposition, mortgaging or leasing of such trust property, by such Trustee, shall be reported to the Court for confirmation and confirmed by the Court, before the same shall become effective and valid. Upon such confirmation, such Trustee shall make, execute and deliver, subject to such terms and conditions as the Court in its order of confirmation may impose, good and sufficient instruments of conveyance, assignment, and transfer, or mortgage, or lease, as the case may be. On receipt by such Trustee of the money, or other proceeds derived from any such sale or other disposition, or mortgaging or leasing of such trust property, such money or other proceeds shall be held, administered, distributed or otherwise dealt with by such Trustee under and pursuant to the terms of the deed, will or other written instrument creating the trust estate, but subject, at all times, to the direction and order of the Court. The Court, in its discretion, may require such Trustee to give bond in such amount and with such sureties as the Court shall direct, conditioned for accounting for all such money or other proceeds so received by such Trustee, and for the faithful discharge of his trust.

Proof of service.

Hearing.

Order.

Confirmation
by court.

Instruments.

Bonds.

Final order.

Affect of.

Appearance of
unknown persons.

Appearance of
minors.

Section 8. The final order of the Court in such proceedings, made or had with respect to such unknown persons, shall have the same effect and be as binding and conclusive upon them, as though they had been named and described in such petition and notice by their proper names: provided, that, all such unknown persons, so served as in this Act provided, shall have the same right to appear and oppose the granting of such petition, before the making of such final order, and the same right to appear and object to such order and the granting thereof, after such order has been made and entered, as persons would have, who are named and described by their proper names in such petition and notice, and have been served with such notice by publication, as provided in this Act: and provided, further, that if any such unknown persons be minors without guardian, ad litem, or other guardian or legal representative, duly appointed, when such order is made, they may be allowed to appear and object to such order and the granting thereof at any time within one (1) year after becoming of age.

Effect of
order.

Section 9. The final order of the Court in such proceedings, and every deed or other instrument of conveyance, assignment, transfer, mortgage or lease made, executed and delivered by such Trustee, pursuant to any such final order, shall be valid and effectual against all persons whose names are set out in such petition, and all persons therein named and described as unknown persons interested in the trust property, served with notice of hearing as in this Act provided, or appearing voluntarily in the proceedings and consenting to the granting of such order, whether such persons, or any of them, are in being or not in being, and whatever the nature of their interest and estate in the trust property, whether vested or contingent, in expectancy, in reversion or in remainder, or otherwise, at the time of the granting of such order.

Parties dealing
with trustee in
good faith not
responsible.

Section 10. Any person who shall actually and in good faith pay to any such Trustee any money or other proceeds derived from the sale or other disposition, or from the mortgaging or leasing of such trust property, or any part thereof, shall not be responsible for the proper application of such money, or other proceeds, in accordance with the terms of the trust; and any right, title or interest derived from such Trustee by such per-

son, in consideration of such payment, shall not be impeached or called in question in consequence of any misapplication by such Trustee of such money or proceeds so paid.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 111.

An Act to Amend Section 180 Revised Codes of Montana 1921, Relating to Interest on State Warrants, as Amended by Chapter 159 Acts of the 18th Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 180 Revised Codes of Montana 1921, as amended by Chapter 159 Acts of the 18th Legislative Assembly be, and the same is hereby amended so as to read as follows:

“Section 180. REGISTRY AND INTEREST OF STATE WARRANTS. It is the duty of the state treasurer on the presentation of state warrants, regularly issued, to pay the same out of any funds available for such payments, and in the event there are no funds available for such payment he must register each warrant in a book or register to be kept for the purpose, entering the date of issue, date of registration, name in whose favor warrant is drawn, the number and amount thereof, and he shall endorse on each warrant so registered, on its face, “Presented for payment and not paid for want of funds and registered in this office this.....day of.....,” inserting the date of registration, and he shall affix his signature as such treasurer thereto; and all warrants so registered and endorsed on and after April first, 1925, shall bear interest at the rate of four and one half per cent per annum until called for payment, after date of which call interest shall cease; and all warrants shall be redeemed and paid in the order of their registration and in the manner set forth in Section 183 of this code; provided, however, that all warrants so registered and endorsed prior to the date

Payment of
warrants.

Registration.

Endorsement
and registration.

Percent of
interest.

when this Act takes effect, and outstanding and not called for payment prior to such date, shall bear interest at the rate of six per cent per annum from date of registration until called for payment, after the date of which call interest thereon shall cease."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect on and after the first day of April, 1925.

Approved March 10, 1925.

CHAPTER 112.

An Act Relating to the Irrigation Districts, and Amending and Reenacting Section 7166 of the Revised Codes of Montana of 1921, as Amended by Section 1 of Chapter 157 of the Session Laws of 1923, Which Relates to the Establishment, Organization and Government of Irrigation Districts; Providing Who May Organize Such Districts and in What Cases and Requirements Therefore.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7166 of the Revised Codes of Montana of 1921 as amended by Section 1 of Chapter 157 of the Session Laws of 1923, be and the same is hereby amended so as to read as follows:

Who may
organize

"Section 7166. Who May Organize Districts. Sixty per centum in number of the holders of title or evidence of title to lands sought to be included in an irrigation district and which are susceptible of irrigation, such holders of title or evidence of title also representing sixty per centum of the acreage of said lands, may propose the establishment and organization of an irrigation district under the provisions of this act; provided, however, that when any of such land sought to be included in such irrigation district is covered by mortgage or other lien then the owner or owners of such land shall first procure the written consent of the holder of such mortgage or other lien before proposing the establishment and organization of such irrigation district. Irrigation districts may be formed in order to cooperate with the United States under the federal rec-

lamation laws heretofore or hereafter enacted, or under any act of congress which shall permit of the performance by the United States of work in this state, for the purposes of construction of irrigation works, including drainage works, or for purchase, extension, operation, or maintenance of constructed works, or for the assumption, as principal or guarantor, of indebtedness to the United States on account of district lands. When so organized, such district shall have the powers conferred or that may hereafter be conferred, by law upon such irrigation district, provided, however, that all irrigation districts organized in connection with United States Reclamation Projects a majority of the holders of title or evidence of title to lands sought to be included in such irrigation district under the provisions of the act, may propose the establishment and organization of such district.

The certificate of the county clerk and recorder, or the certificate of the Register of the state land office, shall be sufficient evidence of title for the purpose of this act. Where lands have been purchased from the state and part of all of the purchase money has been paid, but the patents or deeds from the state to such lands have not been issued, the receipt of receipts held by the purchasers, or the certificate of the register of the state land office showing the payments on account of purchase, shall be evidence of title to such lands under this act.

Evidence of title.

Before any such district shall be established, there shall be presented to the district court at the hearing on the petition for such establishment, a written report or opinion from the state engineer on the engineering features involved and the possibilities of water supplies accompanied by a copy of the decree of the district court showing the adjudicated water rights in said streams from which said waters are to be diverted. For this purpose, a copy of the petition provided for in Section 7167 of this code, and of all maps and other papers filed with the same, shall be filed with the state engineer at the time the original petition is filed with the clerk of the district court. The expense, if any, incurred by the State engineer, (other than his salary), in his investigation and report upon the proposed district shall be certified, with his report, and that said engineer shall, within a period of one hundred twenty

Report of State Engineer.

Expense—how paid.

Proviso.

days from the filing of said petition with the state engineer, render his report to the District Court, as herein provided, to the said district court, and shall be assessed as costs in said hearing, which costs shall be paid by the district in event of its establishment and in event such petition be denied, then such costs shall be paid by the petitioners; provided, however, that such report or opinion shall be not requested or obtained, and shall not be necessary, whenever it is proposed to co-operate with the United States under the federal reclamation laws heretofore or hereafter enacted, or under any act of congress which shall permit of the performance by the United States of work in this state, for the purposes of construction of irrigation works, including drainage works, or for purchase, extension, operation or maintenance of constructed works, or for the assumption, as principal or guarantor, of indebtedness to the United States on account of district laws."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after January 1st, 1926.

Approved March 10, 1925.

CHAPTER 113.

An Act to Protect the Title of Motor Vehicles Within This State; to Provide for the Issuance of Certificates of Title and Evidence of Registration Thereof; to Regulate Purchase and Sale or Other Transfer of Ownership; to Facilitate the Recovery of Motor Vehicles Stolen or Otherwise Unlawfully Taken; to Provide for the Regulation and Licensing of Certain Dealers in Used and Second Hand Vehicles as Herein Defined; to Prescribe the Powers and Duties of the Registrar of Motor Vehicles Hereunder; and to Provide Penalties for Violation of the Provisions Hereof; and Repealing Sub-Section 4 of Section 1759 of the Revised Codes of Montana, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Definitions. The words and phrases used in this Act shall be construed as follows, unless the context may otherwise require:

(a) The term "motor vehicle" shall include all vehicles impelled by power other than muscular power, except motor cycles operated by policemen or firemen when on official business, also all motor vehicles, including trucks owned and operated by municipalities, or by the state, or by any state institution: Provided, that the same shall be designated by proper signs in which department of said municipality or state, or institution, said trucks or other motor vehicles are employed, traction engines, road rollers, fire wagons, fire engines, police patrol wagons and such vehicles as run only upon rails or tracks. "Motor vehicle".

(b) The term "state" as used in this Act, except where otherwise expressly provided, shall also include the territories and the federal districts of the United States. "State".

(c) The term "owner" shall also include any person, firm, association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period of greater than thirty days, and shall also include a contract vendee. "Owner".

(d) "Vehicle." Any motor vehicle as herein defined.

(e) "Used vehicle." A motor vehicle which has been sold, bargained, exchanged, given away or title transferred from, the person who first took title to it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second hand" within the ordinary meaning thereof. "Vehicle" and "used vehicle".

(f) "Manufacturer." A person, firm, corporation or association engaged in the manufacture of new motor vehicles, trailers, or semi-trailers, as a regular business. "Manufacturer".

(g) "Dealer." Any person, firm, corporation or association engaged in the purchase and sale of motor vehicles, trailers or semi-trailers, or in the leasing of the same for a period of thirty or more successive days. "Dealer".

Section 2. Certificate of Title for Motor Vehicles. After January one, nineteen hundred twenty-six, no certificate of the registration of any vehicle or number plates therefor, whether original issues, or duplicates, shall be issued or furnished by the Registrar of Motor Vehicles unless the applicant therefor shall at the same time make application for and be granted an official Certificate of title.

Application. certificate or title of such motor vehicle or shall present satisfactory evidence that such a certificate covering such motor vehicle has been previously issued to the applicant. Said application shall be upon a blank form to be furnished by the Registrar of Motor Vehicles and shall contain a full description of the motor vehicle, which said description shall contain the manufacturer's number, the motor number, and any distinguishing marks, together with a statement of the applicant's title and of any liens or encumbrances upon said motor vehicle, date of acquisition and such other information as the Registrar of Motor Vehicles may require. The Secretary of State, if satisfied that the applicant is the owner of such motor vehicle, or otherwise entitled to have the same registered in his name, shall thereupon issue to the applicant an appropriate certificate of title over his signature, authenticated by a seal to be procured and used for such purpose. Said certificates shall be numbered consecutively, beginning with number one, and shall contain such description and other evidence of identification of said motor vehicle as the Registrar of Motor Vehicles may deem proper, together with a statement of any liens or encumbrances which the application may show to be thereon. The charge for each original certificate so issued shall be one dollars, which charge shall be in addition to the charge for the registration of such motor vehicle. Said certificate shall be good for the life of the car so long as the same is owned or held by the original holder of such certificate, and shall not have to be renewed annually, or at any other time except as herein provided. Upon the passage of this Act it shall be the duty of the Registrar of Motor Vehicles to cause to be printed copies of this Act, and to mail to every person, to whom he has issued a certificate of registration for the year nineteen hundred twenty-five one of such printed copies accompanied by a blank form of application for a certificate of title.

Issuance.

Numbered.

Charge.

Term.

Mail copy and blank application.

Assignment with warranty of title. Section 3. New Certificate Required After Sale or Transfer. In the event of the sale or other transfer after January one nineteen hundred twenty-six, of the ownership of a motor vehicle for which a certificate of title has been issued as aforesaid, the holder of such certificate shall endorse on the back of same an assignment thereof with warranty of title in form printed thereon with a statement of all liens or encumbrances on said motor vehicle, sworn to before a notary public

Notary.

or some other person authorized by law to take acknowledgments, and deliver the same to the purchaser or transferee at the time of the delivery to him of such motor vehicle. The purchaser or transferee, unless such person is a dealer licensed under section fourteen of this Act, shall, within fifteen days thereafter, present such certificate, assigned as aforesaid, to the Registrar of Motor Vehicles, accompanied by a fee of one dollar, whereupon a new certificate of title shall be issued to the assignee. Said licensed dealer shall, on selling or otherwise disposing of said motor vehicle, execute and deliver to the purchaser thereof an affidavit of conveyance or assignment in such form as the Registrar of Motor Vehicles shall prescribe, to which shall be attached the assigned certificate of title received by such dealer. Thereupon the purchaser of said motor vehicle shall apply for and receive from the Registrar of Motor Vehicles a certificate of title. Said certificate, when so assigned and returned to the Registrar of Motor Vehicles together with any subsequent assignments or reissues thereof, shall be retained by the Registrar of Motor Vehicles and appropriately filed and indexed, so that at all times it will be possible to trace title to the motor vehicle designated therein; provided, when the ownership of any motor vehicle shall pass by operation of law, the person owning such motor vehicle may upon furnishing satisfactory proof to the Registrar of Motor Vehicles of such ownership procure a title to said motor vehicle regardless of whether a certificate of title has ever been issued.

Non licensed dealer must get new certificate.

Charge.

Licensed dealer to assign certificate.

Filed.

Proviso.

Section 4. Certificate of Title Required to Operate Motor Vehicles. Any person who shall operate a motor vehicle in this state under a registration number of this state after January one nineteen hundred and twenty-six, without securing a certificate of title, as herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than one thousand dollars, or by imprisonment in the County jail not more than six months or both such fine and imprisonment in the discretion of the court.

Penalty for operation without certificate.

Section 5. Certificates of Registration for Motor Vehicles. The Registrar of Motor Vehicles shall furnish with each number plate for motor cycles and with each pair of number plates for motor vehicles, a receipt of

Receipt of registration.

Contents.	registration, which shall contain upon the face thereof the following data: The name of the registered owner of the motor cycle or motor vehicle, the owner's post-office address, the make of the vehicle, the year of model, the model or letter designated by the manufacturer, manufacturer's serial number, if any, the engine number, the registered horse power, the registration or license number and date of issue of the receipt or registration. In case of motor cycles, the manufacturer's serial number shall be stated in lieu of the engine number. Such receipt of registration shall contain a blank space for the signature of the registered owner and shall be signed with ink by such owner immediately upon receipt. Such receipt of registration shall contain the registration number denoted on the number plate or plates, in connection with which such receipt of registration is issued. Said receipt of registration shall also contain the engine number of the motor vehicle for which said receipt of registration is issued as denoted by certificate of title issued for said motor vehicle by the Registrar of Motor Vehicles. The receipt of registration referred to herein shall be subject to inspection by any peace officer at any time. It shall be the duty of the Registrar of Motor Vehicles to forward a duplicate of each certificate of registration to the county assessor of the county in which the owner resides, such duplicate to be forwarded at least once each month and such assessor shall file such duplicate certificates in his office alphabetically by name of person to whom issued.
Signature of owner.	
Contents.	
Inspection.	
Duplicate to County Assessor.	

On transfer—endorsement of receipt—address of transferee—date of transfer.	Section 6. Old Certificates of Registration to be Returned to Registrar of Motor Vehicles. Upon the transfer of ownership of any motor vehicle or motor cycle, registered under this Act, the person in whose name such a motor vehicle or motor cycle is registered shall forthwith forward the receipt of registration to the Registrar of Motor Vehicles with endorsement on the back thereof, or otherwise showing the name and postoffice address of the transferee, and the date of transfer. For failure to comply with this provision within fifteen days after the date of transfer, the transferor, upon conviction, shall be fined not less than five dollars or more than fifty dollars.
Penalty for violation.	

Transfer of ownership file.	Section 7. Transfer of Ownership File to be Kept by Registrar of Motor Vehicles. Transferee of Title Required to Make Application for New Certificate. There-
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upon it shall be the duty of the Registrar of Motor Vehicles to file such receipt of registration in a file to be known as "The transfer of ownership file." Unless the transferee as shown by the endorsement on the back of the receipt of registration, applies by mail, or otherwise, within ten days after the date of transfer of the motor vehicle for certificates of registration and title, the Registrar of Motor Vehicles shall notify by registered mail or otherwise said transferee at once to do so. Unless said transferee then makes application within five days after the receipt of such notice from the Registrar of Motor Vehicles for such certificates, he shall be considered to be driving a motor vehicle without registration, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars.

Failure of transferee to apply.

Section 8. Registrar of Motor Vehicles May Refuse to Issue Certificate or Revoke Same if Issued. If the Registrar of Motor Vehicles shall determine at any time that an applicant for a certificate of title of a motor vehicle is not entitled thereto, he may refuse to issue such certificate or to register such vehicle, and may for a like reason and after notice and hearing revoke registration already acquired on any outstanding certificate of title. Said notice shall be served in person or by registered mail.

Refusal or revocation.

Section 9. Penalty for False Statement in Application for Certificate or Assignment thereof and Possession of Stolen Motor Vehicle. Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of title herein provided for, or in any assignment thereof, or who, with intent to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony and upon conviction shall be punished by a fine of not more than five thousand dollars or by imprisonment in any penal institution within this state for not more than ten years, or both, at the discretion of the court.

Penalty for false statement in application or assignment.

Possession of Stolen vehicle.

Penalty.

Section 10. Certificates for Dealers and Manufacturers. In the case of dealers in motor vehicles or motor

Certificates for
dealers and
manufacturers.

cycles, including manufacturers who sell to others than dealers, all of whom are intended to be covered by this and all other provisions of this section, a separate certificate of title, either of such dealer's immediate vendor, or of the dealer himself, shall be required in the case of each motor vehicle in his possession, and the Registrar of Motor Vehicles shall determine the form in which application for such certificates of title and assignments thereof shall be made; provided, however, that no such certificate shall be required in the case of new motor vehicles sold by manufacturers or dealers as the term "dealers" is defined in Section one of this Act.

Duplicate when
lost.

Section 11. Issuance of Duplicate Certificates Where Original is Lost. In the case of lost certificates of title or registration, the loss of which is accounted for to the satisfaction of the Registrar of Motor Vehicles, duplicates may be issued, the charge therefor to be one dollar each.

Alteration or
forgery of.

Section 12. Alteration or Forgery of Certificate of Title or Assignment Thereof and Penalty Therefor. Any person who shall alter or forge or cause to be altered or forged, any certificate of title issued by the Registrar of Motor Vehicles pursuant to the provisions of this section, or any assignment thereof, or who shall hold or use any such certificate or assignment knowing the same to have been altered or forged, shall be deemed guilty of a felony, upon which conviction thereof shall be liable to pay a fine of not more than five thousand dollars or to imprisonment in any penal institution within the state for a period of not more than ten years, or both, in the discretion of the court.

Certificate of
title or assign-
ment.

Penalty.
Officer to notify
registrar.

Section 13. Report of Stolen and Recovered Motor Vehicles. It shall be the duty of the sheriff of every county of the state and of the chief of police or commissioner of police of every city to make immediate report to the Registrar of Motor Vehicles of all motor vehicles reported to him as stolen or recovered, upon forms provided for by the Registrar of Motor Vehicles. Failure on the part of any officer shall be deemed to be misfeasance in office and shall constitute grounds for removal. Upon receipt of such information, the Registrar of Motor Vehicles shall file the same in an index to be known as the "Stolen and recovered motor vehicle index." It shall also be the duty of the Registrar

Failure.

of Motor Vehicles to file reports of stolen and recovered motor vehicles reported to him from other states. The Registrar of Motor Vehicles shall prepare once a month a list of all motor vehicles stolen or recovered during the previous month and forward a copy of the same to every sheriff, and all police departments in cities of the first, second and third class. Such list shall also be forwarded to the Secretary of State, or other proper official, in each state of the United States. Before issuing a certificate of title, as heretofore provided, the secretary of state shall check the motor and serial number on the motor vehicle to be registered against the "Stolen and recovered vehicle index."

Index for stolen and recovered cars.

Lists to sheriffs and Secretary of State in other States.

Section 14. Licensing of Second Hand Dealers; Keeping Records of Vehicles Received for Sale and Penalty. That after the first day of January, nineteen hundred twenty-six, it shall be unlawful for any person to carry on or conduct in this state the business of buying, selling or dealing in used vehicles or parts thereof, unless and until he shall have received a license from the Registrar of Motor Vehicles authorizing the carrying on or conducting of such business. Such license shall be furnished annually by the Registrar of Motor Vehicles and shall run from the first day of January, nineteen hundred twenty-six, and annually thereafter for each year, beginning on the first day of January. The application for said license shall be in such form as may be prescribed by the said Registrar of Motor Vehicles and subject to such rules and regulations with respect thereto as may be so prescribed by him. Such application shall be verified by oath or affirmation and shall contain a full statement of the name or names of the person or persons applying therefor, the name of the firm or co-partnership with the names and places of residence of all the members thereof, if such applicant be a firm or co-partnership, the name and residence of the principal officers, if the applicant be a body corporate or other artificial body, the name of the state under whose laws the corporation is organized, the location of the place or places at which such business is to be carried on and conducted, and said application shall contain such other relevant information as may be required by the Registrar of Motor Vehicles. It shall be accompanied by a statement of two reputable persons of the community in which the principal place of business is to be located, certifying to the good moral character of the person or

License to deal in used cars.

Term.

Application.

Verified contents.

Statements of good moral character.

Fee certificate.

Rules and
regulations.Supplemental
license.Records
required.

persons applying for such license. Upon making such application the person applying therefor shall pay to the Registrar of Motor Vehicles in addition to the fees required of dealers under the provisions of Section 1760 of the Revised Codes of Montana of 1921 a fee of five dollars. A license certificate shall be issued by the Registrar of Motor Vehicles in accordance with such application when the same shall be regular in form and in compliance with the provisions of this section, and such license, when so issued, shall entitle the licensee to carry on and conduct the business of buying and selling and dealing in used vehicles and parts thereof, for a period of one year from the first day of January of the current year. The Registrar of Motor Vehicles shall have the power to make suitable rules and regulations for the issuance of such licenses to expire upon the first day of January of the succeeding year, when the application therefor shall be made during the current year, and upon payment of a license fee of three dollars provided application is made after July first of any year. Any person conducting the business of buying, selling or dealing in used vehicles and having received a license therefor, shall, before removing any one or more of his places of business, or shall, before opening any additional places of business, apply to the Registrar of Motor Vehicles for, and obtain, a supplemental license, for which no fee shall be charged. Every such licensee shall keep a book or record in such form as may be prescribed or approved by the Registrar of Motor Vehicles, in which he shall keep a record of the purchase, sale or exchange or receipt for the purpose of sale, of any second-hand vehicle or parts thereof, a description of such vehicles or parts, together with the name and address of the seller, of the purchaser, and of the alleged owner or other person from whom such vehicle or parts were purchased or received, or to whom they were sold or delivered, as the case may be. Such description in the case of motor vehicles shall also include the engine number, if any, the maker's number, if any, chassis number, if any, and such other numbers or identification marks as may be thereon, and shall also include a statement that a number has been obliterated, defaced or changed, if such is the fact. In the case of a trailer or semi-trailer, the record shall include the manufacturer's number and such other numbers or identification marks as may be thereon. He shall also have in

his possession a duly assigned certificate of title from the owner of said motor vehicle in accordance with the provisions of another section of this Act, from the time when the motor vehicle is delivered to him until it has been disposed of by him. Any person guilty of violating any of the provisions of this section shall be deemed guilty of a felony and punished by a fine of not more than one thousand dollars or by imprisonment in any penal institution within this state for not more than three years, or both at the discretion of the court.

Penalty for
violation.

Section 15. Penalty for Sale of Vehicle with Engine Number Altered or Changed; Application for Special Number. Any person or persons, firm or corporation, who, thirty days after the taking effect of this article, shall sell or offer for sale in this State a vehicle, the original engine number of which has been destroyed, removed, altered, covered or defaced, with the exception of electrically propelled vehicles, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars, and by imprisonment in the county jail for a term of not less than thirty days nor more than one hundred and eighty days, and upon a second or subsequent conviction under this section, the punishment shall be imprisonment in the state prison for a term of not less than one year nor more than five years: Provided, however, that any person or persons, firm or corporation, being the owner or custodian of or having possession of a vehicle at the time of the taking effect of this article, the original engine number of which has been previously destroyed, removed, altered or defaced, shall before the expiration of thirty days after the taking effect of this article apply to the Registrar of Motor Vehicles on a blank to be prepared and furnished by the Registrar of Motor Vehicles upon request, for permission to make or stamp, or cause to be made or stamped on the engine of such vehicle, a special engine number. The application for permission to make or stamp a special engine number on the engine of a vehicle under the provisions of this article shall contain a description of such vehicle including the make, style and year of model of the same, as complete a description of the original engine number, if any part of the same remain, as is possible to give, any distinguishing marks that may be on the engine or body of such vehicle and the name and post office address of the ap-

Altered or
changed engine
number.

Penalty.

Special engine
number.

Application for.

Fee.

Penalty for de-
face or alteration
of number.

Proviso.

Certification.

plicant, the date on which he purchased or procured possession of the same, the name and post office address of the person or persons from whom he purchased such vehicle, and such information as the Registrar of Motor Vehicles may require, all of which description and facts shall be sworn to be said applicant before a notary public or other person authorized in this state to administer oaths or take acknowledgments. Upon receipt of such application, together with a fee of one dollar, the Registrar of Motor Vehicles shall issue to said applicant written permission to make or stamp on the engine of such vehicle a special engine number to be designated by the Registrar of Motor Vehicles, and when such special engine number so designated has been stamped or otherwise placed on the engine of such motor vehicle it shall become and thereafter be the lawful engine number of such vehicle, for the purpose of identification and registration and for all other purposes under the provisions of this article, and the owner thereof may sell or transfer the same under said special engine number so designated by the Registrar of Motor Vehicles; and any person or persons who shall destroy, remove, cover, alter or deface any special engine number so designated by the Registrar of Motor Vehicles shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State prison for a term of not less than two years nor more than ten years. In designating special engine numbers for motor vehicles under the provisions of this article the Registrar of Motor Vehicles shall designate and number the same consecutively, beginning with the number (1), preceded by the letters S. N. and followed by the letters for each and every make of motor vehicle for which a special application engine number shall be made, and in the order of the filing of application therefor: Provided, that from and after the taking effect of this article, the Registrar of Motor Vehicles shall not register any vehicle without an engine number or issue a license for the operation of the same except as specifically provided for herein; and further, before issuing said license the Registrar of Motor Vehicles shall require of the applicant a statement that the special number assigned to be placed on the particular vehicle in question has been put on in a workmanlike manner, and this statement shall be certified to by the sheriff, chief of police, or other convenient peace officer, that he has

inspected said vehicle and found said number to be on said motor vehicle as required by the Registrar of Motor Vehicles. Nothing herein shall be construed to prevent any manufacturer or importer, or their agents other than dealers, from doing his own numbering on motor vehicles or parts removed or changed and replacing the numbered parts.

Section 16. Dealer to Furnish Purchaser with Bill of Sale. Every dealer upon the sale by him to any person or persons of a new motor vehicle shall furnish to such purchaser or purchasers a bill of sale or other suitable evidence of such sale upon a blank form to be furnished by the Registrar of Motor Vehicles, which shall contain the name of such dealer, the name of the purchaser, the date of the sale, a full description of the motor vehicle, which said description shall contain the manufacturer's number, the motor number and any distinguishing marks, together with any other data which the Registrar of Motor Vehicles may require or deem advisable.

Dealer to
furnish pur-
chaser with
bill of sale.

Section 17. The Registrar of Motor Vehicles is hereby given power to appoint and pay from the fund hereinafter designated as the "Auto Theft Fund" one Deputy in addition to the present peace officers of the law to carry out the provisions of this Act and he, together with the present peace officers are hereby given police power and authority throughout the State to arrest any person in the act of violating or attempting to violate in his presence any of the provisions of this act and are hereby made peace officers of this state for that purpose. Any peace officer of this state shall have the authority and is hereby required to use reasonable diligence in ascertaining whether the owners and operators of motor vehicles are complying with the provisions of this Act.

Deputy and
powers of.

Section 18. Auto-Theft Fund, How Used. All moneys received by the Registrar of Motor Vehicles under the provisions of this Act shall be set aside and shall be known as the "auto-theft fund" and shall be used first to meet the necessary additional expenses of the office of the Registrar of Motor Vehicles incurred by the performance of duties. If at the end of any fiscal year there is a balance in said fund, said balance shall be distributed as follows: To the road fund of the counties from which the same originated. All expenses which

"Auto theft
fund".

Use of fund.

Expenses—how
paid.

may be incurred by the secretary of state in printing this Act and in the preparation and printing of the prescribed forms, together with the cost of postage and mailing and the necessary clerical assistance, shall be paid in the first instance out of the motor vehicle administrative fund accruing from motor vehicle license fees and as soon as sufficient funds are available from the fees and collections provided for in this Act, the said motor vehicle administrative fund shall be reimbursed for the amount so paid.

Records open for
public inspection.

Section 19. Records Shall Be Open for Public Inspection. All records provided for in the foregoing shall be open to inspection during all reasonable business hours, and the Registrar of Motor Vehicles shall furnish the information from said records upon payment by the applicant of the cost of transcribing the information asked for.

Perjury for
false statements.

Section 20. False Statements Shall Constitute Perjury. Any person who shall make any false affidavit, or shall knowingly swear or affirm falsely, to any matter or thing required by the terms of this Act to be sworn or affirmed to, shall be guilty of perjury, and upon conviction, shall be punishable by a fine and imprisonment as other persons committing perjury are punishable.

Section 21. Any Part Declared Unconstitutional Shall Not Render Remainder of Act Invalid. If any provision of this Act shall be held by any court of competent jurisdiction to be unconstitutional, such judgment shall not affect any other section or provision of this Act.

Section 22. Sub-section 4 of Section 1759 of the Revised Codes of Montana, 1921, is hereby repealed.

Section 23. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 24. Date Effective. This Act shall take effect on the first day of January, Nineteen Hundred twenty-six.

Approved March 10, 1925.

CHAPTER 114.

An Act to Amend Section 916 of the Revised Codes of Montana of 1921, Relating to Expenses of the State Entomologist.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 916 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 916. Expenses: The state entomologist shall receive no compensation for his services other than what he may receive from the College of Agriculture and Mechanic Arts and Experiment Station but such office or laboratory expenses and such salaries of necessary assistants, together with such traveling expenses as result from the work contemplated under this act, not to exceed such sums as the Legislature from time to time may appropriate, shall be paid, and upon certification of the secretary of the executive board of the College of Agriculture and Mechanic Arts and Director of the Agricultural Experiment Station, the state auditor is authorized to issue warrants to cover the same. The actual traveling expenses of the State Entomologist and the actual traveling expenses and salary of his assistant, which shall result from the work contemplated under Section 4504 of the Revised Codes of Montana of 1921, as amended by Chapter 25 of the Laws of the Eighteenth Legislative Assembly of 1923 shall be paid by the county or counties wherein such work is contemplated or carried on, and upon presentation and allowance of a sworn claim against such county or counties, warrants in payment thereof shall be drawn upon the General Fund of such county or counties. The board of county commissioners shall annually determine the amount of such warrants drawn upon the General Fund for the purposes of this Act, and shall include such amount in the tax levied the succeeding year for the purpose of insect pest extermination and reimburse the General Fund for money so paid out on such warrants as is provided in Section 4504 of the Revised Codes of Montana of 1921, as amended by Chapter 25 of the Laws of the Eighteenth Legislative Assembly of 1923."

Compensation
and expenses.

Traveling ex-
penses to be paid
where work is
done.

Covered by
next levy.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force after its passage and approval.

Approved March 10, 1925.

CHAPTER 115.

An Act to Amend Section 5039 of the Revised Codes of Montana of 1921, Relating to the Powers of City Councils, "Providing for the Amendment of Sub-Section 3, by Removing the Limit of License Taxes That May Be Imposed;" for the Amendment of Sub-Section 16, by Striking the Word "Saloon" Therefrom, and by Providing for the Regulation of Pool Halls and Soft Drink Parlors; "For the Amendment of Sub-Section 22, by Striking Therefrom the Following: "Whiskey and Other Spirits in Barrels, Hogsheads and Other Vessels;" for the Amendment of Sub-Section 45, "Providing for the Establishment Within or Without the City Limits of a Hospital for the Care of Contagious Diseases;" for the Amendment of Sub-Section 54, by Providing for the "Regulation of Automobiles and Trucks;" for the Amendment of Sub-Section 56, by Striking the Word "Exclusive" Therefrom; for the Amendment of Sub-Section 62, by "Providing for the Disposal of Municipal Lighting and Power Plants and Other Property Held in Trust for Specific Purposes;" and by Adding a New Sub-Section to Be Known as Sub-Section 83, Giving the City and Town Councils Power to Declare and Determine What Vegetation Within the City or Town Shall Be Noxious Weeds, Providing for the Extermination Thereof and for Levying the Cost of Such Extermination as a Special Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5039 of the Revised Codes of Montana of 1921, be, and the same hereby is, amended to read as follows:

"Section 5039. Powers of City Councils. The city or town council has power:

Pass laws, etc.

1. To make and pass all by-laws, ordinances, orders, and resolutions not repugnant to the constitution of the United States or of the State of Montana, or of the provisions of this title, necessary for the government or management of the affairs of a city or town, for the

execution of the powers vested in the body corporate, and for carrying into effect the provisions of this title.

2. To levy and collect taxes for general and special purposes on all property within the town or city subject to taxation under the laws of the state. Levy and collect taxes.

3. To license all industries, pursuits, professions, and occupations, and to impose penalties for failure to comply with such license requirements. License.

4. To fix the amount, terms and manner of issuing and revoking licenses; but the council may refuse to issue licenses when it may deem it best for the public interests. Revoking Licenses.

5. To build or hire all necessary building for the use of the city or town, and to heat and light the same. Building.

6. To lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, parks, and public grounds and vacate the same. Streets, etc.

7. To provide for lighting and cleaning the streets, alleys, and avenues; to regulate the use of sidewalks, and to require the owners of the premises adjoining to keep the same free from snow or other obstruction; to regulate the deposition and removal of ashes, garbage, or other offensive matter in any street, alley, or on public grounds or on any premises, and to provide for levying the cost of such removal as a special tax against the property from which such matter was deposited. Lighting and cleaning.

8. To provide for and regulate street crossings, curbs, and gutters; to regulate and prevent the use or obstruction of streets, sidewalks, and public grounds by signs, poles, wires, posting handbills or advertisements, or any obstruction. Streets.

9. To regulate and prohibit traffic and sales upon the streets, sidewalks, and public grounds. Traffic and sales.

10. To regulate or prohibit the fast driving of horses, animals, or vehicles within the city or town. Speeding.

11. To regulate and control the laying of railroad tracks, and prohibit the use of engines and locomotives propelled by steam or otherwise, or to regulate the speed thereof when used. Railroads.

12. To require the lighting of any railroad track or Lighting.

route within a city or town, the cars of which are propelled by steam or otherwise, and fix and determine the number, style, and size of the lamp-posts, burners, lamps, and all other fixtures and apparatus necessary for such lighting, and the points of location of the lamp-posts, and to require the construction of crossings on the line of any railroad track or route within the city or town, the cars of which are propelled by steam or otherwise, where the said track intersects or crosses any street, alley, or public highway, or runs along the same, and to fix and determine the size and kind of such crossing and the grades thereof; and, in case the owner of such railroads fails to comply with such requirements, the council may cause the same to be done, and it may assess the expense thereof against such owner, and the same constitutes a lien on any property belonging to such owner within such city or town, and may be collected as other taxes.

Street—rail-
roads.

13. To license and authorize the construction and operation of street-railroads, and require them to conform to the grade of the street as the same are or may be established.

Numbering of
houses, etc.

14. To regulate the numbering of houses and lots, and to change the same.

Water.

15. To provide for the cleaning of waters, water-courses, and streams within the city, or to alter, straighten, or widen the same, and the draining and filling in of ponds, wells, or shafts on private property, when necessary to the public health or public welfare.

Auctioneers,
peddlers, etc.

16. To license, tax, and regulate auctioneers, peddlers, pawnbrokers, second-hand and junk-shops, drivers, porters, pool halls and soft drink parlors, billiard-tables, tenpin alleys, shooting galleries, shows, circuses, street parades, theatrical performances, and places of amusements within the city or town; provided, that the power to license, tax, and regulate circuses and shows of like character shall extend three miles beyond the limits of the city or town.

Pawn shops, etc.

17. To require the owners and keepers of pawn, second-hand, and junk-shops to keep a record of all articles purchased or pawned to them, which record, and the articles purchased or pawned, are subject to the inspection of all police officers of the city or town.

18. To prevent the keepers of pawn, second-hand, and junk-shops from the purchasing any article from a minor, without the written consent of the parent or guardian of such minor. Pawn brokers and minors.
19. To regulate or prohibit dance houses within the city or town limits, and within three miles thereof. Dances.
20. To suppress and punish all fraudulent devices and practices for the purposes of obtaining money or property, and to prohibit the same or exhibition of immoral publications, prints, pictures or illustrations. Fraudulent devices, etc.
21. To establish markets and market-houses, and provide for the supervision and use thereof. Markets.
22. To provide for and regulate the inspection of beef, pork, flour, meal, and all provisions, oils; to regulate the inspection of milk, water, butter, lard, and other provisions; to regulate the vending of meat, poultry, fish, game, and vegetables; to restrain and punish the forestalling of provisions. Inspection of beef, etc.
23. To regulate the inspection, weighing, and measuring of wood, coal, stone, corn, or other grain, and hay, within the city or town. Weighing, etc.
24. To regulate the construction, use, and repair of vaults, cisterns, hydrants, pumps, sewers, and gutters. Vaults, cisterns, etc.
25. To prevent and punish intoxication, fights, riots, loud noises, disorderly conduct, obscenity, and acts or conduct calculated to disturb the public peace, or which are offensive to public morals, within the city or town, and within three miles of the limits thereof. Disturbance of peace.
26. For the purpose of guarding against fire, to prescribe the limits within which wooden or combustible buildings must not be erected, placed, or repaired, and to establish fire limits within the city or town. Fire.
27. To establish a fire department, and prescribe and regulate its duties; to maintain a fire-alarm and police telegraph. Fire department and alarms.
28. To erect engine, hose, and hook-and-ladder houses, and provide engines and other implements for the extinguishment of fire.
29. To inspect chimneys, flues, fireplaces, stovepipes, ruins, structures, and boilers, and, when dangerous, to Inspection of chimneys, flues, etc.

require the same to be removed or put in order, and prohibit the use thereof until safe.

Gun-powder, etc. 30. To regulate and prevent the storage or handling of gun-powder, giant powder, nitroglycerine, or other inflammable explosives or materials, tar, pitch, kerosene, oil, and turpentine, and to prohibit the storage of the same within three miles of the city limits.

Bonfires, etc. 31. To regulate or prohibit the building of bonfires, the explosion, use or selling of fireworks, firecrackers, torpedoes, or other pyrotechnics or toy pistols or guns within the city or town.

Animals. 32. To prohibit and punish cruelty to animals.

Nuisances. 33. To define and abate nuisances, and to impose fines upon persons guilty of creating, continuing, or suffering a nuisance to exist on the premises which they occupy or control.

Vagrancy. 34. To define vagrancy, and to restrain and punish vagrants, mendicants, and persons guilty of disorderly conduct.

Prison. 35. To establish and maintain a jail for the confinement of persons convicted of violating the ordinances of the city or town; to make rules for the government of the same, and to cause the prisoners to work on streets or elsewhere within three miles of the city.

Animals at large. 36. To regulate, restrain, or prohibit the running at large of horses, cattle, swine, sheep, goats, and dogs, or other animals, and to authorize the impounding and sale thereof, if found at large contrary to ordinances.

Dogs. 37. To license the keeping of dogs, and to provide for the killing or destruction thereof, if found running at large without license.

Incumbrances. 38. To prevent the incumbering of streets, side-walks, alleys, or public grounds with carriages, wagons, lumber, firewood, or other obstacles or materials.

Riding on sidewalks. 39. To prevent the riding or driving of animals, or the drawing or riding of vehicles of any kind on the sidewalks of the city, or the doing damage in any way to the sidewalks.

Horse racing speeding. 40. To prevent horse-racing, or immoderate driving or riding in the streets of the city or town, and to regulate and provide for the hitching of all animals on the streets.

41. To regulate or prohibit coasting, skating, sliding, or tobogganning on the streets or alleys, or the indulgence in other amusements dangerous or annoying to the inhabitants, or having a tendency to frighten animals. Coasting, etc.
42. To regulate the location of slaughter-houses, breweries, distilleries, livery-stables, foundries, blacksmith shops, planing-mills, soap factories, and tanneries within the city or town, and to prohibit any offensive and unwholesome establishments within the city or town limits, or within three miles thereof. Slaughter houses, etc.
43. To regulate or suppress the erection of poles and the stringing of wires, rods, or cables, in the streets, alleys, or within the limits of any city or town. Poles and wires.
44. To provide for a board of health, and to prescribe its powers and duties, and when such board of health is provided, for the same to have jurisdiction within the city or town limits, and within three miles thereof. Health.
45. To establish at a suitable place, within or without the limits of the city or town, in case of necessity, a hospital to prevent the spread of smallpox, or other contagious or infectious diseases, and to regulate and control thereof, and do all other acts which may be necessary for the promotion of health, and to prevent the spread of infections or contagious diseases within the city or town. Hospital disease.
46. To establish and regulate cemeteries, within or without the city or town, and acquire lands for this purpose, and prohibit the establishment of cemeteries within three miles of the city or town. Cemeteries.
47. To fix compensation, and to prescribe the duties of all officers and other employees of the city or town, subject to the limitations mentioned in this title. Compensation.
48. To impose fines and penalties for the violation of any city ordinance, but no fine or penalty must exceed three hundred dollars, and no imprisonment must exceed ninety days for any one offense. Fines and penalties.
49. To levy and collect annually from each able-bodied male resident of the city or town, between the ages of twenty-one and forty-five years, a poll-tax not exceeding three dollars per capita; and in case of failure or refusal of any person within the prescribed age Poll tax.

to pay said tax, to provide by ordinance that the person failing or refusing must work one day on the public streets of the city.

Fences.

50. To regulate partition fences and party walls not already constructed.

Fire proof building.

51. To prescribe the thickness, strength, and manner of constructing stone, brick, and other buildings, and to order the construction of fire-escapes thereon.

Use of county jail.

52. To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the board of county commissioners.

Workhouse.

53. To erect and organize a workhouse in or near a city or town; and any person who fails or neglects to pay any fine or costs imposed on him by any ordinance may be committed to the workhouse until such fine is paid.

Regulation of vehicles.

54. To license and regulate automobiles, trucks, hackney carriages, carts, omnibuses, wagons, and drays, and to fix the rate to be charged for the carriage of persons and property within the city or town, and to the public works and property without the limits of the city or town.

Dangerous manufactories

55. To regulate, restrain, or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent and suppress the sale of firearms, and carrying of concealed weapons.

Weights and measures

56. To establish standard weights and measures to be used in the city or town, and to provide for a sealer of standard weights and measures, who has jurisdiction within the city or town.

Lumber.

57. To provide for the inspection and measuring of lumber and other building materials.

Police.

58. To make regulations authorizing the police of the city or town to make arrests of persons charged with crime, within the limits of the city or town and within five miles thereof, and along the line of water supply of the city or town.

Trees.

59. To provide for the planting of trees and the protection of the same.

Report of officers.

60. To require from an officer at any time a report

in detail of the transactions in his office, or any matter connected therewith.

61. To regulate the sales of poisons, and to punish any person for selling or using opium, or any preparation thereof, or having the same or any implement to be used in smoking it in his possession, or for keeping, maintaining, visiting, or contributing to the support of a room or place where the same is smoked or used. Drug-gists may sell opium or any preparation thereof, subject to the general laws of the state in relation thereto.

Poisons.

Drugs.

62. To sell, dispose of, or lease any property belonging to a city or town not held in trust for a specific purpose, and such transfer must be made by ordinance or resolution passed by a two-thirds vote of all the members of the council. To sell, dispose of, or lease any property belonging to a city or town not held in trust for a specific purpose, and such transfer must be made by ordinance or resolution passed by a two-thirds vote of all the members of the council, provided however, that when it is for the best interest of the city or town and the residents thereof that any municipal lighting system or power plant, owned by the municipality and held in trust for a specific purpose, be sold or disposed of, the city council shall have power to fix and determine and declare the value thereof and to sell, lease and dispose of the same, such sale, lease or disposal to be approved by a majority vote of tax payers of such municipality cast at an election called for that purpose.

Control of city property.

63. To make any and all contracts necessary to carry into effect the powers granted by this title, and to provide for the manner of executing the same.

Contracts.

64. To contract an indebtedness on behalf of a city or town, upon the credit thereof, by borrowing money or issuing bonds for the following purposes, to-wit: Erection of public buildings, construction of sewers, bridges, water-works, lighting plants, supplying the city or town with water by contract, the purchase of fire apparatus, the construction or purchase of canals or ditches and water rights for supplying the city or town with water, and the funding of outstanding warrants and maturing bonds; provided, that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness, must not, at any time, exceed three per centum of the total assessed valuation of

Borrowing and issuance of bonds.

Purpose of
assessments.

Indebtedness and
handling of

City water supply
system.

How obtained.

the taxable property of the city or town, as ascertained by the last assessment for state and county taxes; provided, that no money must be borrowed on bonds issued for the construction, purchase, or securing of a water plant, water system, water supply, or sewerage system, until the proposition has been submitted to the vote of the taxpayers affected thereby of the city or town, and the majority vote cast in favor thereof; and, further provided, that an additional indebtedness shall be incurred, when necessary, to construct a sewerage system or procure a water supply for the said city or town, which shall own or control said water supply and devote the revenue derived therefrom to the payment of the debt. The additional indebtedness authorized, including all indebtedness heretofore contracted, which is unpaid or outstanding, for the construction of a sewerage system, shall not exceed ten per centum over and above the three per centum heretofore referred to, of the total assessed valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes; and, provided, further, that the above limit of three per centum shall not be extended, unless the question shall have been submitted to a vote of the taxpayers affected thereby, and carried in the affirmative by a vote of the majority of said taxpayers who vote at such election. It is further provided, that whenever a franchise has been granted to, or a contract made with, any person or persons, corporation or corporations, and such person or persons, corporation or corporations, in pursuance thereof, or otherwise, have established or maintained a system of water supply, or have valuable water rights or a supply of water desired by the city or town for supplying the said city or town with water, the city or town granting such franchise or entering in such contract or desiring such water supply, shall, by the passage of an ordinance, give notice to such person or persons, corporation or corporations, that it desires to purchase the plant and franchise and water supply of such person or persons, corporation or corporations, and it shall have the right to so purchase the said plant or water supply, upon such terms as the parties agree; in case they cannot agree, then the city or town shall proceed to acquire the same under the laws relating to the taking of private property for public use, and any city or town acquiring property under the laws relating to the tak-

ing of private property for public use; shall make payment to the owner or owners of the plant or water supply of the value thereof legally determined, within six months from and after final judgment is entered in the condemnation proceedings. For the purpose of providing the city or town with an adequate water supply for municipal and domestic purposes, the city or town council shall procure and appropriate water rights and title to the same, and the necessary real and personal property to make said rights and supply available, by purchase, appropriation, location, condemnation, or otherwise. Cities and towns shall have jurisdiction and control over the territory occupied by their public works, and over and along the line of reservoirs, streams, trenches, pipes, drains, and other appurtenances used in the construction and operation of such works, and also over the source or stream from which water is taken, for the enforcement of its sanitary ordinances, the abatement of nuisances, and the general preservation of the purity of its water supply, with power to enact all ordinances and regulations necessary to carry the powers hereby conferred into effect. For this purpose the city or town shall be authorized to condemn private property in the manner provided by law, and shall have authority to levy a just and equitable tax on all consumers of water for the purpose of defraying the expenses of its procurement.

Water rights.

Control for sanitary purposes.

65. To regulate and provide for the construction or repair of sidewalks and foot pavements, and if the owner of any lot fails to comply with the provisions of the ordinance within such time as may be prescribed thereby, the council may contract for the construction and repair of such sidewalks or pavements, and the city or town may pay for the same, and the amount so paid is a lien upon the lot, and may be enforced or the amount may be recovered against the owner by a suit before any court of competent jurisdiction.

Construction or repair of sidewalks.

66. To grant the right of way through the streets, avenues, and other property of a city or town for the purpose of street or other railroads, and to regulate the running and management of the same, and compel the owner of such street or other railroads to keep the street in repair when occupied by such street or other railroad; to regulate the speed of railroad engines, and to require railroad companies to station flagmen at street crossings.

Right of ways.

- Fire escapes. 67. To compel the owner of a building to erect fire-escapes and proper exits and entrances when necessary for safety.
- Grading of streets. 68. To establish the grade of any street, alley, or avenue, and when the grade has been established, it must not be changed except by a vote of the majority of the council, and not then until the damage to property owners, caused by the change of grade, has been assessed and determined by three disinterested appraisers who must be appointed by the mayor and confirmed by the council, who must make an appraisalment, taking into consideration the benefits, if any, to the property, and file their report with the clerk within ten days after receiving notice of their appointment, and the amount of damages so assessed must be tendered to the owner or his agent before any change of grade is made.
- Sprinkling streets. 69. To provide for the sprinkling of the streets, alleys, and public places of the city or town, and to fix the rates to defray the cost of said work.
- Regulations. 70. To regulate the location of steam-boilers, the putting up of signs and awnings, and the construction of entrances to basements, cellars, and other floors to buildings from the sidewalks.
- Lights. 71. To prevent and prohibit prize-fights, boxing-matches of any kind, with or without gloves, or exhibition of prize-fighters, boxers, or sluggers in the city or town, or within five miles thereof.
72. To require the owner of a sidewalk, house, or other structure which is dangerous to passers-by, to repair or remove the same after notice.
- Laying of mains. 73. To permit the use of the streets and alleys of the city or town for the purpose of laying down gas, water, and other mains, but no excavations must be made for such purpose without the permission of the council or its authorized officer; and the streets and alleys must be placed in as good condition by the person or corporation making the excavation, as they were before the excavation, was made, and the mains laid down, and in default thereof the council may order the same to be done at the expense of such person or corporation.
- Public grounds. 74. To provide for inclosing, improving, and regulating all public grounds belonging to the city or town.

75. To condemn private property for opening, establishing, widening, or altering any streets, alley, park, sewer, waterway, in the city or town, or for any other public use, and the ordinance authorizing the taking of private property for any such use is conclusive as to the necessity of the taking, and must conform to and the proceedings thereunder had as provided in the Code of Civil Procedure concerning eminent domain.

Right to condemn

Eminent domain.

76. To appropriate money, and provide for the payment of the debt and expenses of the city or town, and also the debt of the municipal corporation of which it is the successor.

Appropriate money.

77. To take a census of the inhabitants of a city or town at any time.

Census.

78. To provide for the city or town printing, the contract for which must be let annually to the lowest bidder.

Printing.

79. To adopt, enter into, and carry out means for securing a supply of water for the use of a city or town or its inhabitants.

Supply of water.

80. To create special improvement districts, designating the same by number; to extend the time for payment of assessments levied upon such districts for the improvements thereon for a period not exceeding twenty years; to make such assessments payable in installments, and to pay all expenses of whatever character incurred in making such improvements with special improvement warrants, which warrants shall bear interest at a rate not to exceed six per centum per annum.

Improvement districts.

81. To regulate and prohibit the wearing of hats or bonnets at theaters or public places of amusement.

Theatres.

82. To regulate the use and construction of irrigating ditches, drains, and flumes within or running through any city or town.

Ditches, drains

83. To declare and determine what vegetation within the city or town shall be noxious weeds, and to provide the manner in which they shall be exterminated, and to require the owner or owners of any property, within said city or town, to exterminate or remove noxious weeds from their premises, and the one-half of any road or street lying next to the lands or boulevard abutting thereon, and to provide, in the event the owner or own-

Noxious weeds.

ers of any of said premises neglect to exterminate or remove the noxious weeds therefrom, for levying the cost of such extermination or removal as a special tax against the property.”

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 116.

An Act to Amend Chapter 32 of the Session Laws of 1923 Amending Section 8275 of the Revised Codes of Montana of 1921, Relating to Chattel Mortgages.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8275 of the Revised Codes of Montana of 1921, as amended by Chapter 32 of the Laws of Eighteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

“Section 8275. Any interest in personal property which is capable of being transferred may be mortgaged. Such property or interest may be mortgaged to secure existing debts, to secure debts created simultaneously with the execution of the mortgage and to secure advances then in contemplation but to be made in the future. Amounts constituting existing debts or obligations shall have a preference lien as against future advances, and advance made under the terms of the mortgage shall have preference in the order in which said amounts are advanced by the mortgagee to the mortgagor. The total amount of all advances contemplated and to be subject to mortgage protection must be stated in the mortgage and with the original debt shall constitute a preference lien for the life of the mortgage for the maximum amount provided in the mortgage as against all mortgages and other intervening liens subsequent in date to the time of the filing of the mortgage; excepting that the lien for services rendered by a thresherman as specified in Section 8366 of the Revised Codes of Montana 1921, shall be prior to and have precedence over any mortgage, encumbrance or other

Any interest in personal property may be mortgaged.

For what purpose.

Preference lien.

Amounts of advances must be stated in mortgage.

Thresherman preference.

lien upon said grain or other crops; also excepting the lien for the seed furnished for the purpose of growing this particular crop as specified in Section 8359, which said seed lien shall have priority over all other liens and encumbrances thereon except the said thresherman's liens and also excepting any other lien given priority by statute. The mortgagee shall upon demand of the mortgagor or a creditor furnish a statement of all such advances and amounts paid on the principal sum secured, provided such statement shall not impair or affect the lien created for all advances."

Seed lien preference.

Statement of
by mortgagee.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 117.

An Act to Amend Section 2849 of Chapter 213 Revised Codes of Montana, 1921, Known as the Workmen's Compensation Act; Relating to and Defining Inherently Hazardous Occupations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2849 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

"Section 2849. Operation. (Including repair work) of logging, cable, electric, street, steam or other railroads; dredges; interurban electric railroads using third rail systems; electric light and power plants; quarries; telegraph systems; stone crushers; blast furnaces; smelters; coal mines; gas works; steam boats; tugs and ferries; mines other than coal; steam-heating or power plants; grain elevators; freight elevators and passenger elevators; laundries; water-works; paper-mills; pulp-mills; garbage and fertilizer works."

Hazardous
occupations.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 118.

An Act to Amend Section 632 of the Revised Codes of Montana of 1921, Relating to the Date of Holding Primary Elections.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 632 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

91st day
preceding general
election.

“Section 632. On the ninety-first day preceding any general election (not including special elections to fill vacancies, municipal elections in towns and cities, irrigation district and school elections) at which public officers in this state and in any district or county are to be elected, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for senator in congress, and all other elective state, district and county officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this state, or any subdivision of this state, and also for choosing and electing county central committeemen by the several parties subject to the provisions of this law.”

Primary
nominating
election.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 119.**An Act Concerning Morris Plan Company, Defining the Same, and Providing for Its Incorporation, Powers, Supervision and Control.**

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The term "Morris Plan Company" as used in this act means any corporation formed under the provisions of this act. "Morris Plan Company".

Section 2. Any number of adult persons, residents and not less than five, may associate to establish a Morris Plan Company under this act. The incorporators shall execute a certificate of incorporation or application for articles of incorporation, which shall be acknowledged by at least three of the subscribers thereto before a notary public, and they shall also make and subscribe an oath or affirmation before him to be endorsed on the said certificate that the said statements therein contained are true. The said certificate accompanied by proof of publication of notice as hereinafter provided shall then be presented to the Governor of the state, who shall examine the same and if he finds it to be in proper form and within the purposes named in this act, he shall approve thereof, and endorse his approval thereon, and direct articles of incorporation to issue in the usual form incorporating the subscribers and their associates and successors into a body corporate of the name chosen, and the said certificate shall be recorded in the office of the Secretary of the State, in a book to be kept by him for that purpose, and he shall forthwith furnish to the State Banking Department an abstract therefrom, showing the name, location, amount of capital stock, and the name and address of the treasurer of such corporation; the said original certificate with all its endorsements shall then be recorded in the office for the recording of deeds in and for the county where the business of the corporation is to be carried on, and from thenceforth the subscribers and their associates and successors shall be a corporation for the purposes and upon the terms named in the said charter. Certified copies of such certificate, duly certified by the Secretary of this State, shall be conclusive evidence in all courts of this State of the existence of such corporation and of every other matter or thing which could be proved by the production of the original certificate. Who may establish. Certificate or application. Approval by Governor. Recorded. Evidence of existence.

What certificate
of incorporation
shall specify.

Section 3. The certificate of incorporation or application for articles of incorporation shall specify:

I. The name (subject to the approval of the Secretary of this State).

II. Location or place of business, particularly designating the county or city.

III. Amount of capital stock and number of shares into which divided.

IV. The names and places of residences of the incorporators, and the number of shares subscribed by each.

V. A statement that such certificate is made to enable the persons named to form a Morris Plan Company under this act.

VI. The term for which it is to exist.

Population
necessary.

Section 4. No corporation shall be organized under this act to do business in a city having a population of less than twenty thousand inhabitants, and that such corporation shall have an aggregate amount of capital stock of not less than Twenty Five Thousand Dollars, and a surplus of 10% of the paid in capital stock.

Capital stock.

Shares.

Section 5. The capital stock of any such corporation shall be divided into shares of the par value of one hundred dollars each. All of the capital stock shall be paid in cash to the treasurer of the corporation, who shall deposit the same in some bank approved by the Superintendent of Banks, before any such corporation shall be authorized to transact any business other than such as relates to its formation and organization, and such payment shall be certified to the State Banking Department under oath by the president and manager of said corporation.

Payment of
capital stock.

Name.

Section 6. Every corporation incorporated under this act shall be known as a Morris Plan Company, and may use the words "Morris Plan Company" as part of its corporate title.

Body corporate.

Section 7. Every corporation formed under the provisions of this act shall, from the date of the charter of incorporation issued thereto, be a body corporate, but shall transact no business except such as may be incidental to the purpose of its organization until all of

the capital has been paid in as hereinbefore provided, and shall have the following powers:

Powers.

I. To have succession by the name designated in its certificate of incorporation for the term of twenty-five years from the date of the incorporation, unless sooner dissolved.

Term.

II. To sue and be sued, to appear and defend in all actions and proceedings under its corporate name and to the same extent as a natural person.

Sue.

III. To have a common seal and alter the same at pleasure.

Seal.

IV. To elect or appoint all necessary officers, agents, and servants, define their duties and obligations, fix their compensation, dismiss them, fill vacancies and require bonds.

Officers.

V. To make, amend and repeal by-laws and regulations, not inconsistent with law, for its own government, for the orderly conduct of its affairs and the management of its property, for determining the manner of calling and conducting its meetings, the tenure of office of the several officers, and such others as shall be necessary or convenient for the accomplishment of its purposes, which by-laws and amendments thereto must be approved by the Superintendent of Banks.

By-laws.

VI. To lend money and to deduct interest therefor in advance at lawful rates of interest and in addition to require and to receive uniform weekly or monthly installments on its certificates of indebtedness purchased by the borrower simultaneously with the said loan transaction, or otherwise, and pledged with the corporation as security for the said loan, with or without an allowance of interest on such installments, provided, however, that no such corporation shall charge or receive interest in excess of the legal rate of interest provided for in the State of Montana.

Loans.

VII. To buy, sell, or negotiate bonds, notes and choses in action and to sell or negotiate evidences or certificates of indebtedness or investment of the corporation calling for the payment of money at any time, either fixed or uncertain and to receive payments therefor in installments or otherwise.

Investments.

VIII. To purchase or otherwise acquire and to sell

Drafts and
acceptances.

and negotiate drafts and acceptances drawn in connection with the sale of merchandise on account of the purchase price thereof and to take from the acceptors or holders of such drafts and acceptances as security therefor, with or without other collateral, choses in action or other evidences of indebtedness issued by it and to be paid in uniform monthly, weekly or other periodical installments.

Charge for
loan.

IX. To charge for a loan made pursuant to this action one dollar for each fifty dollars or fraction thereof loaned for expenses incurred in making the loan; no charge shall be collected unless a loan shall have been made.

Power relating
to deposits.

Section 8. The power conferred upon corporations organized under this act by the foregoing action shall not be construed as authorizing such corporation to receive deposits of money subject to check, payable on demand, or payable unconditionally at a fixed time.

Section 9. No Morris Plan Company shall:

Limit on loan.

(a) Make any loan to one person, firm or corporation for more than ten per centum of the amount of the capital and surplus of such Morris Plan Company.

Time.

(b) Make any loan under the provisions of this act for a longer period than one year from the date thereof.

Deposit funds
with other
corporation.

(c) Deposit any of its funds with any other corporation unless such corporation has been designated as such depository by a vote of the majority of the directors, exclusive of any director who is an officer, director or trustee of the depository so designated, present at a meeting duly called at which a quorum is in attendance. Such bank must first be approved by the Superintendent of Banks as a depository bank for such company.

Resident
directors.

Section 10. At least three-fourths of the directors of any Morris Plan Company shall be residents of the State of Montana.

Under Banking
Department.

Section 11. Every corporation incorporated under the provisions of this act shall report to, and be subject to, the supervision of the State Banking Department.

Section 12. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 120.

An Act to Amend Sections 1219 and 1223 of the Revised Codes of Montana, 1921, Relating to the Qualifications and Oath, of Electors in School District Elections, Held for the Purpose of Levying a Tax in Excess of Ten Mills Within Such School Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1219, of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

“Section 1219. DISTRICT SCHOOL TAXES IN EXCESS OF TEN MILLS—ELECTION. Whenever the Board of Trustees of any school district shall deem it necessary to raise money by taxation in excess of the ten-mill levy now allowed by law for the purpose of maintaining the schools of said district, or building, altering, repairing, or enlarging any schoolhouse or houses of said district, for furnishing additional school facilities for said district, for building and equipping heating or other plants for said district, or for any other purposes necessary for the proper operation and maintenance of the schools in said district, it shall, submit the question of such additional levy to the legal voters of said district, who are taxpaying freeholders therein, either at the regular annual election held in said district, or at a special election called for that purpose by the board of trustees of said district, provided, that in all school districts of the third class such question may be submitted to the legal voters of said district, who are taxpayers therein.”

Taxation over
ten mill levy
shall be sub-
mitted to
voters.

Section 2. That Section 1223 of the Revised Codes of Montana 1921 be, and the same is hereby amended to read as follows:

“Section 1223. Challenging voters—Oath of elector—False swearing. Any person offering to vote may be challenged by any elector of the district, and the judges must thereupon administer to the person challenged an oath or affirmation, in substance as follows:

Oath or
affirmation
of voter.

"You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years of age; that you have resided in this state one year and in this school district thirty days next preceding this election; that you are a taxpaying freeholder on the last assessment roll from this school district; and that you have not voted this day. So help you God."

Oath in third
class districts.

In all districts of the third class, in administering said oath or affirmation, the judges must substitute the word 'tax payer' for the words 'Taxpaying freeholder'. Said oath shall be reduced to writing and signed by the person challenged and sworn to before one of the judges of election. Said oath or affirmation shall be returned with the ballots cast at such election. If the voter takes oath or affirmation, his vote must be received; otherwise, it will be rejected. Any person who shall swear falsely before any such judge of election shall be guilty of perjury, and shall be punished accordingly."

Section 3. All Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 121.

An Act to Amend Sections 2837, 2862, 2863, 2865, 2866, 2867, 2891, 2898, 2900, 2912, 2913, 2915, 2916, 2917, 2919, 2920, of the Revised Codes of Montana of 1921 and to Add One New Section to Be Designated '2990A' Relating to the Workmen's Compensation Law; Defenses Not Excluded in Personal Injury Action Against Employer in Non-hazardous Occupation and Certain Other Occupations; Defining 'Employer,' Defining 'Employee' and 'Workmen'; Defining 'Beneficiary'; Defining 'Major Dependent'; Defining 'Minor Dependent'; for the Payment of Compensation to Children Up to the Age of Eighteen Years; for the Payment of Compensation to Parent or Guardian; Providing Exception in Case of Minors and Incompetents as to Period of Limitation; Compensation for Injury Producing Temporary Total Disability; Compensation for Injury Producing Total Disability Permanent in Character; Compensation for Injury Caus-

ing Death; Providing for Additional Compensation in Case Death Occurs While Employee Is Drawing or Entitled to Draw Compensation Payment; Providing for Medical and Hospital Service; Compensation to Run Consecutively and Relating to Compensation Payments to Certain Major and Minor Dependents; Permitting Employers in Certain Non-hazardous Occupations to Elect to Comply and Come Under the Provisions of Plan II and Plan III of This Act and Fixing the Classification of Such Employers and Employees; and Repealing All Acts and Parts of Acts in So Far Only as the Same May Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2837 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 2837. Defenses not excluded in personal injury action against employer in non-hazardous occupation and certain other occupations. The provisions of Section 2836 shall not apply to actions to recover damages for personal injuries sustained by household and domestic servants or those employed in farming, dairying, agricultural, viticultural, and horticultural, stock or poultry raising, or engaged in the operation and maintenance of steam railroads conducting interstate commerce, or persons whose employment is of a casual nature.”

Defenses not excluded.

Section 2. That Section 2862 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 2862. Employer defined. ‘Employer’ means the state and each county, city and county, city school district, irrigation district, all other districts established by law and all public corporations and quasi-public corporations and public agencies therein and every person, firm voluntary associations and private corporation, including any public service corporation and including an independent contractor, who has any person in service, in hazardous employment, under any appointment or contract of hire, expressed or implied, oral or written, and the legal representative of any deceased employer or the receiver or trustee thereof.”

Employer defined.

Section 3. That Section 2863 of the Revised Codes of

Montana of 1921, be and the same is hereby amended to read as follows:

“Section 2863. ‘Employee’ and ‘workman’ defined. ‘Employee’ and ‘workman’ are used synonymously and mean every person in this state, including a contractor other than an ‘independent contractor’ who is in the service of an employer as defined by the preceding Section, under any appointment or contract of hire, expressed or implied, oral or written including aliens and also including minors, whether lawfully or unlawfully employed, and all who are connected with or engaged in hazardous occupations of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for such corporations for pay but excluding any person whose employment is both casual and not in the courses of the trade, business, profession or occupation of his employer and also excluding any employee engaged in household, domestic service, farm, dairy, agricultural, viticultural or horticultural labor, in stock or poultry raising, except as hereinafter provided.”

Employee and
workman defined.

Section 4. That Section 2865 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 2865. ‘Beneficiary’ defined. ‘Beneficiary’ means and shall include a surviving wife or husband and a surviving child or children under the age of eighteen years and an invalid child or invalid children over the age of eighteen years, or if no surviving wife or husband then a surviving child or children under the age of eighteen years and an invalid child or invalid children over the age of eighteen years; provided, however, that no invalid child over the age of eighteen years shall be considered a beneficiary unless dependent upon the decedent for support at the time of injury.”

Beneficiary
defined.

Section 5. That Section 2866 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 2866. ‘Major dependent’ defined. ‘Major dependent’ means if there be no beneficiary as defined in the preceding Section, the father and mother, or the survivor of them, if actually dependent upon the de-

Major depend-
ent defined.

cedent at the time of his injury, then to the extent of such dependency, not to exceed, however, the maximum compensation provided for in this Act."

Section 6. That Section 2867 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

"Section 2867. 'Minor dependent' defined. 'Minor dependent' means if there be no beneficiary or major dependent as defined in the preceding sections the brothers and sisters under the age of eighteen years, provided, however, that no invalid brother or invalid sister over the age of eighteen years shall be a 'minor dependent' unless actually dependent upon the decedent at the time of his injury. Minor dependents shall be awarded compensations to the extent of such dependency, not to exceed, however, the maximum compensation provided for in this Act."

Minor dependent defined.

Section 7. That Section 2891 of the Revised Codes of Montana of 1921 shall be and the same is hereby amended to read as follows:

"Section 2891. Compensation to children, brothers and sisters and invalid children—When ceases. In computing compensation to children and to brothers and sisters, only those under eighteen years of age, or invalid children over the age of eighteen years, shall be included, and in case of invalid children, only during the period in which they are under that disability, all within the maximum limitations elsewhere in this Act provided, after which payment on account of such person or persons shall cease. Compensation to children, or brothers or sisters, except invalids, shall cease when such persons reach the age of eighteen years and in all cases shall cease when such person marries."

Compensation to children, mothers and sisters and invalid children.

When ceases.

Section 8. That Section 2898 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

"Section 2898. Compensation paid to parent or guardian. Where payment is due to a child under eighteen years of age or to a person adjudged incompetent, the same shall be made to the parent or to the duly appointed guardian, as the case may be, and the written receipt of such parent or guardian shall acquit the employer, the insurer or board, as the case may be, of

Compensation paid to parent or guardian.

further liability. In other cases, payment shall be made to the person entitled thereto or to his duly authorized representative."

Section 9. That Section 2900 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Exception for
minors and in-
competents.

"Section 2900. Exception in case of minors and incompetents as to period of limitation. No limitation of time as provided in the preceding section or in this Act shall run as against any injured workman who is mentally incompetent and without a guardian or an injured minor under eighteen years of age who may be without a parent or guardian. A guardian in either case may be appointed by any court of competent jurisdiction, in which event the period of limitations as provided in the preceding Section, shall begin to run on the date of appointment of such guardian or when such minor arrives at the age of eighteen years."

Period of limita-
tion.

Section 10. That Section 2912 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Compensation—
temporary
disability.

"Section 2912. Compensation for injury producing temporary total disability. For an injury producing temporary total disability, fifty per centum of the weekly wages received at the time of the injury, subject to a maximum compensation of fifteen dollars per week and a minimum compensation of seven dollars per week. Such compensation shall be paid during the period of disability but for a period not exceeding three hundred weeks from date of injury."

Section 11. That Section 2913 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Compensation—
total disability.

"Section 2913. Compensation for injury producing total disability permanent in character, fifty per centum of the weekly wages received at the time of injury, subject to a maximum compensation of fifteen dollars per week and a minimum compensation of seven dollars per week. Such compensation shall be paid during the period of disability, not exceeding five hundred weeks from date of injury."

Section 12. That Section 2915 of the Revised Codes of

Montana of 1921 be and the same is hereby amended to read as follows:

“Section 2915. Compensation for injury causing death. Where the injury causes death, fifty per centum of the wages received at the time of the injury to his beneficiaries, if any, residing within the United States at the date of the happening of the injury or if residing outside of the United States, forty per centum of such compensation, or if none, then fifty per centum of the wages received at the time of the injury to his major dependents, if any, if residing in the United States, at the date of the happening of the injury, or if none, then thirty per centum of the wages received at the time of the injury to his minor dependents, if any, if residing within the United States at the date of happening of the injury, subject to a maximum compensation of fifteen dollars per week and a minimum compensation of seven dollars per week for a period not exceeding four hundred weeks; provided that if at the time of the injury the employee received wages of less than eight dollars per week, the full amount of such wages per week, for a period not exceeding four hundred weeks, and, provided further that compensation payable to major or minor dependents shall not exceed the amount of dependency.”

Compensation—
death.

Section 13. That Section 2916 of the Revised Codes of Montana of 1921 be and the same is hereby amended to read as follows:

“Section 2916. Providing for additional compensation in case death occurs while employee is drawing or entitled to draw compensation payment. There shall be paid in addition to other compensation, if death due to injury occurs while the employee is drawing or entitled to draw compensation payment, the reasonable burial expenses of the employee, not exceeding one hundred and fifty dollars.”

Compensation
for death
after compensa-
tion starts.

Section 14. That Section 2917 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 2917. Medical and hospital services to be furnished. During the first six months after the happening of the injury, the employer or insurer or the board, as the case may be, shall furnish reasonable medical, surgical and hospital service and medicines when

Medical,
hospital services.

needed, not exceeding in amount the sum of five hundred dollars, unless the employee shall refuse to allow them to be furnished, and unless such employ is under a hospital contract, as provided, in Section 2907 of this Act.”

Section 15. That Section 2919 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Compensation
to run
consecutively.

Major and
minor dependents
not residing in
U. S. manner
of payment.

“Section 2919. Compensation to run consecutively—Major and minor dependents not residing in the United States—Manner of payment. Compensation, other than medical, surgical, hospital and burial benefits provided shall run consecutively and not concurrently and payment shall not be made for two classes of disability over the same period, provided that no compensation shall be paid to a major or minor dependent who did not reside within the United States at the date of the happening of the injury. Compensation due to beneficiaries shall be paid to the surviving spouse, if any, or if none, then divided equally among or for the benefit of the children. Compensation due to major dependent where there be more than one, shall be divided equitably among them and likewise as to minor dependents, and the question of dependency and amount thereof shall be a question of fact for determination by the board.”

Section 16. That Section 2920 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Compensation
cases of specified
injuries.

“Section 2920. Compensation in Cases of Specified Injuries. In case of the following specified injuries, the compensation in lieu of any other compensation provided by this Act, other than that provided in Section 2917, unless the employee is a contributor to a hospital fund as otherwise in this Act provided, shall be fifty per cent of the wages received at the time of the injury, subject to a maximum compensation of Fifteen dollars per week, and a minimum compensation of Seven dollars per week; provided, that if, at the time of the injury the employee received wages of less than seven dollars per week, then he shall receive the full amount of such wages per week, and shall be paid for the following periods:

For the loss of:

One arm, at or near shoulder.....200 weeks

One arm, at the elbow.....	180 weeks
One arm, between wrist and elbow.....	160 weeks
One hand	150 weeks
One thumb and the metacarpal bone thereof..	60 weeks
One thumb at the proximal joint.....	30 weeks
One thumb at the second distal joint.....	20 weeks
One first finger and the metacarpal bone thereof	30 weeks
One first finger at the proximal joint.....	20 weeks
One first finger at the second joint.....	15 weeks
One first finger at the distal joint.....	10 weeks
One second finger and the metacarpal bone thereof	30 weeks
One second finger at the proximal joint.....	15 weeks
One second finger at the second joint.....	10 weeks
One second finger at the distal joint.....	5 weeks
One third finger and the metacarpal bone thereof	20 weeks
One third finger at the proximal joint.....	12 weeks
One third finger at the second joint.....	8 weeks
One third finger at the distal joint.....	4 weeks
One fourth finger and the metacarpal bone thereof	12 weeks
One fourth finger at the proximal joint.....	9 weeks
One fourth finger at the second joint.....	6 weeks
One fourth finger at the distal joint.....	3 weeks
One leg at or near the hip joint as to pre- clude the use of an artificial limb.....	200 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	150 weeks
One leg between the knee and ankle.....	140 weeks
One foot at the ankle.....	125 weeks
One great toe with the metatarsal bone thereof	30 weeks
One great toe at the proximal joint.....	15 weeks
One great toe at the second joint.....	10 weeks
One toe, other than the great toe with the metatarsal bone thereof	12 weeks
One toe other than the great toe, at the prox- imal joint	6 weeks
One toe other than the great toe at the second distal joint	3 weeks
One eye, by enucleation	120 weeks
Total blindness of one eye.....	100 weeks
Total loss of hearing, one ear.....	20 weeks

Total loss of hearing, both ears.....120 weeks

The loss of both hands, or both arms, or both feet or both legs, or both eyes, or any two thereof in the absence of conclusive proof to the contrary, shall constitute total disability permanent in character.

Section 17. That one additional section to the Revised Codes of Montana 1921 numbered 2990A be and the same is hereby enacted to read as follows:

Employers
to elect to
comply and come
under provisions
of plans 2 and 3.

“Section 2990A. Permitting employers in certain non-hazardous occupations to elect to comply and come under the provisions of plans 2 and 3 of this act. Classification of such employers and their employees. Any employer engaged in farming, dairying, agriculture, viticulture, horticulture, stock or poultry raising, may elect to comply with the provisions of Plan 2 or 3 of this Act and pay into the Industrial Accident Fund the premiums provided in the Act, in which event he shall not be liable to respond in damages at common law or by statute for injury or death of any employee during the period covered by such premiums and shall enjoy the benefits and privileges of this Act. The employee of such employer shall be deemed to have elected to come under the provisions of this Act unless such employee shall execute and file with the board on proper form to be furnished for that purpose, a specific election not to be so bound, in which event he shall not enjoy the benefits or privileges of this Act until such election is withdrawn. Such employer shall be classified under the provisions of Section 2992 of this Act as to rate of assessments, which assessment shall be paid in the manner and at the times specified under Plan 2 or 3 of the Workmen's Compensation Act.”

Classification
of such
employers and
their employees.

Section 18. All Acts and parts of Acts in so far as the same conflict herewith are hereby repealed.

Section 19. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 122.

An Act to Amend Section 270, Chapter 18, Revised Codes of Montana, 1921; Authorizing State Board of Examiners to Invest Special Funds in General Fund Warrants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 270, Chapter 18, Revised Codes of the State of Montana, 1921, be, and the same is hereby amended to read as follows:

“Section 270. Investment of Special Funds in General Fund Warrants: The State Board of Examiners is hereby empowered to invest any moneys available in the following funds: Escheated Estate Fund, Educational Bond Interest and Sinking Fund, and the Fish and Game Fund, in the hands of the State Treasurer, in State General Fund Warrants.” Investment
in warrants.

Provided, however, that no moneys shall be taken from the Fish and Game Fund except with the consent of the Montana Fish and Game Commission. Proviso.

Section 2. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 123.

An Act to Amend Section 3210 of the Revised Codes of Montana of 1921, Relating to the Qualifications of Applicants for Registration for Nurses Certificates and to Amend Chapter 228 of Part 3 of the Political Code of the Revised Codes of Montana of 1921, by Adding Thereto One New Section to Be Known as Section 3211A Providing for the Annual Renewal of Certificates of Registration of Nurses and Affixing the Fee Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3210 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 3210. All applicants for registration under the provisions of this act shall furnish satisfactory evidence for applicants.” Evidence for
applicants.

Proviso.

Underage—
preliminary
education.

Proviso.

Registration
fee.

Renewal of
certificate
and fee.

dence that he or she is at least twenty-one years of age, of good moral character, and has been graduated from a training school of nurses connected with a general hospital approved by the Board, where a systematic course of at least three years' instruction is given, except in the cases hereinafter provided for; provided, that the board may grant proper credit upon such three year period to any student for previous training and study, under such rules and regulations as the board may prescribe. No training school for nurses shall accept students under eighteen years of age nor students who have not had a preliminary education of at least two years of high school; provided, that such training schools may accept students who have not had a preliminary education of at least two years of high school upon the recommendation of the Board of Examiners for Nurses, each recommendation to be given by the board only when such students submit evidence, satisfactory to the said board, that they have educational qualifications equivalent to at least two years of high school. All persons registered under the provisions of this act shall pay to the secretary of said board a registration fee of fifteen dollars."

Section 3. That Chapter 228 of Part 3, of the Political Codes of the Revised Codes of Montana 1921 be, and the same is hereby amended by addition of one new Section to be known as Section 3211A to read as follows:

"Section 3211A. During the month of June of each year, every registered nurse shall renew his or her certificate of registration, for the year beginning June first, with the Board of Examiners for Nurses, for which renewal a fee of One Dollar shall be paid to the treasurer of said Board. The Board may grant renewal, without fee, for reasons which are satisfactory to it, and upon granting such renewal the Secretary of such Board shall issue a certificate of renewal of registration."

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 124.

An Act to Amend Section 439 of the Revised Codes of Montana of 1921, Providing for Salaries of Janitors, Watchmen and Engineers at the State Capitol, and Providing for the Salary of a Carpenter Employed at the State Capitol.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 439 of the Revised Codes of Montana of 1921, be and the same hereby is amended to read as follows:

“Section 439. From and after the passage of this Act, the salaries of watchmen, and capitol guides employed in the state capitol building at Helena, Montana, shall be the sum of Three Dollars and fifty cents (\$3.50) per day. The salaries of janitors shall be Four Dollars (\$4.00) per day. The engineers employed at the powerhouse of the state capitol shall be paid the sum of Five Dollars (\$5.00) per day, and the head engineer and carpenter shall be paid the sum of Five Dollars and fifty cents (\$5.50) per day.”

Salaries for
watchmen and
guides.

Janitors.

Engineers

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 125.

An Act to Amend Sections 7136, 7140, 7145, 7149, 7150, 7151 and 7159 of the Revised Codes of Montana of 1921, Relating to the Maintenance and Repair of Water Ditches and Water Systems and Expenses Therefor, and to the Powers and Duties of the Water Commissioner and Providing That Such Expenses May in the Discretion of the Court Be Made a Lien Upon the Land.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7136 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 7136. Appointment of Water Commissioners.

Appointment of
water commis-
sioners.

Whenever the rights of persons to use the waters of any stream, ditch or extension of ditch, watercourse, spring, lake, reservoir, or other source of supply have been determined by a decree or decrees of a court of competent jurisdiction, it shall be the duty of the judge of the district court having jurisdiction of the subject matter, upon the application of the owners of at least ten per cent of the water rights affected by the decree or decrees, in the exercise of his discretion, to appoint one or more commissioners, who shall have authority to admeasure and distribute to the parties bound by the decree or decrees the waters to which they are entitled, according to their rights as fixed by such decree or decrees. At the time of the appointment of any water commissioner or water commissioners, his or their fees and compensation must be fixed in the order."

Compensation.

Section 2. That Section 7140 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Power of
commissioners
in admeasuring
water expenses.

"Section 7140. Power of Commissioners in Admeasuring Water Expenses. Every water commissioner appointed by the judge of the district court for that purpose shall have the authority to admeasure and distribute to the parties interested, under such decree or decrees, the water to which those who are parties to the decree or decrees, or privy thereto, are entitled according to their priority as established by the decree or decrees. The water commissioner, in case the parties fail or refuse to do so, may incur necessary expenses in the making of headgates or dams for the distribution of the waters, and such expense shall be assessed against and paid by the party or parties for whom such services in the repair of the ditch or ditches, and the making of any dams or headgates, were necessary. Provided, that in the discretion of the court, such costs or expenses may be assessed against the land upon which or for the benefit of which such expense had been incurred."

Proviso.

Section 3. That Section 7145 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Charges and
expenses—what
may be al-
lowed.

"Section 7145. Charges and Expenses. The judge may also allow as a charge any expenses necessarily incurred by the water commissioner in the discharge of

his duties in the employment of extra labor for the repair of dams, headgates, ditches, or flumes, when immediate action is necessary to preserve the rights of the parties entitled to the waters of such stream or when the judge has, in the order appointing the commissioner, required the commissioner to repair ditches, and keep in repair necessary headgates, ditches, or flumes. The water commissioner shall report all such expenses, and the cost thereof shall be taxed against the party or parties for whose benefit the same were incurred, provided, that in the discretion of the court, such costs or expenses may be assessed against the land upon which or for the benefit of which such expense had been incurred."

Section 4. That Section 7149 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 7149. Effect of Order Fixing Fees and Compensation—Lessees—Issuance of Execution. After the order of the court fixing the fees and compensation and expenses of the water commissioner is final, it shall have all the force and effect of a judgment as against the person to whom the water was admeasured, and for whose benefit it was used. When such expense of commissioner or commissioners has been assessed against the land for which such service of the commissioner or Commissioners has been rendered, it shall constitute a lien against said land. Execution may issue upon the order as upon a judgment by direction of the court or judge upon the application of any person interested therein."

Effect of order fixing fees and compensation—leases.

Issuance of execution.

Section 5. That Section 7150 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 7150. Complaint by Dissatisfied User—Procedure. Any person owning or using any of the waters of such stream or ditch or extension of ditch, who is dissatisfied with the method of distribution of the waters of such stream or ditch by such water commissioner or water commissioners, and who claims to be entitled to more water than he is receiving, or is entitled to a right prior to that allowed him by such commissioner or water commissioners, may file his written complaint, duly verified, setting forth the facts of such claim. Thereupon the judge shall fix a time for the hearing of such peti-

Complaint by dissatisfied user.

Procedure.

tion, and shall direct that such notice be given to the parties interested in such hearing as the judge may deem necessary. At the time fixed for such hearing, the judge must hear and examine the complainant and such other parties as may appear to support or resist such claim, and also examine such water commissioner or water commissioners and witnesses as to the charges contained in said complaint. Upon the determination of the hearing, the judge shall make such findings and order as he may deem just and proper in the premises. If it shall appear to the judge that the water commissioner or water commissioners have not properly distributed the water according to the provisions of the decree, then the judge shall give the proper instructions for such distribution. The judge may remove such water commissioner or water commissioners and appoint some other person or persons in his or their stead, if he deems that the interests of the parties in the waters mentioned in such decree will be best subserved thereby, and if it shall appear to the judge that the said water commissioner or water commissioners have wilfully failed to perform their duties, they may be proceeded against for contempt of court, as provided in contempt cases. The judge shall make such order as to the payment of costs of such hearing as may appear to him to be just and proper."

Section 6. That Section 7151 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Users must
maintain head-
gates.

"Section 7151. Users Must Maintain Headgate. All persons using water under a decree from any stream or ditch whereon a water commissioner is appointed shall be required to have suitable headgates at the point wherein a ditch taps a stream, and shall also, at some suitable place on the ditch, and as near the head thereof as practicable, place and maintain a proper measuring box, weir, or other appliance for the measurement of the waters flowing in such ditch. In case any person or persons shall fail to place or maintain a proper measuring appliance, it shall be the duty of such water commissioner not to apportion or distribute any water through said ditch. And provided further that the commissioner must notify all parties interested by registered mail or in person one week before making the annual repair or cleaning of any stream or ditch or performing necessary labor or expenses to divert water to any ditch. The sending of a registered letter to the

Penalty.

Notification.

last known post office address of any such interested party will be prima facie evidence of the fact that he was duly notified. Provided, however, that any work in the way of repairing a ditch made necessary by any emergency may be done without such notice when injury would result from delay."

Section 7. That Section 7159 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 7159. Compensation of Commissioner and Apportionment thereof—Issuance of Execution—Taxation of Costs. When a commissioner is appointed upon the application of an owner or owners of such ditch, the court may fix the compensation of such commissioner and the term of his employment, and shall make an order apportioning the amount of such compensation among the several owner or owners, tenants in common or stockholders of said ditch, according to their respective rights and interest, which order shall have the force and effect of a judgment against the person to whom the water as admeasured and for whose benefit it was used, when, in the discretion of the court, such order of apportionment of expense is made against the land for which such water was used, in which event it shall have the force and effect of a lien against said land to which such apportionment was made. Execution may issue upon such order as upon a judgment by direction of the court, upon the application of any person interested therein; provided, however, that when a commissioner is appointed under the provisions of Sections 7136-7150, to distribute the waters of the stream from which the waters flowing in said ditch are taken, and to apportion and distribute the waters of said ditch according to the rights of the respective owners thereof, the judge, in his discretion, may in addition to the apportionment taxed against the respective owners of the waters of said stream, apportion and tax the amount, if any, the owners of such ditch shall pay in addition to the amount taxed under the provisions of said Sections 7136-7150."

Compensation
of commissioner
and apportion-
ment.

Issuance of
execution.

Taxation of
costs.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 126.

An Act to Amend Sections 1533, 1536 and 1546 of the Revised Codes of Montana of 1921, Relating to the Appointment of Officers, Rules and Regulations, Salaries, Suspension of Subordinates, Officials and Employees; Admission of Wives and Widows of Soldiers or Sailors; and Appointment of Chaplain of the Soldiers' Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 1533 of the Revised Codes of Montana of 1921, shall, and the same is hereby amended so as to read as follows:

"Section 1533. The Board of Managers shall appoint a commandant of the Soldier's Home, who shall receive a salary not to exceed One Hundred Twenty-Five Dollars (\$125.00) per month, who shall be a resident of the State of Montana, and shall have served in the Army or Navy of the United States during the late war of the rebellion or in the Spanish-American War, and shall have received an honorable discharge therefrom.

Appointment of
commandant.
Salary and
qualification.

They shall formulate and publish all necessary rules and regulations to be reasonably and impartially enforced by the commandant of the Home, subject to appeal to the Board of Managers.

Rules, etc.

All subordinate officials and employees of the Home shall preferably be selected from residents of the State who have served in the Army or Navy of the United States and have been honorably discharged therefrom.

Subordinate
officials and
employees.

The salaries of the commandant and all subordinate officials and such other employees as may be necessary shall be fixed by said Board of Managers; provided, that the compensation so paid shall in no case exceed such reasonable and necessary compensation as is paid for like services in similar institutions.

Salaries.

Any such subordinate official or employee may be suspended or discharged by such commandant for inefficiency or misconduct and a statement of the case shall be reported to the said Board, who shall upon application offer such official or employee a hearing, and the action thereon of the Board shall be final."

Inefficiency or
misconduct.

Section 2. Section 1536 of the Revised Codes of Mon-

tana of 1921, shall, and the same is hereby amended so as to read as follows:

“Section 1536. The Board of Managers of the Soldiers’ Home is authorized and empowered to admit to the privileges of the Home under such rules as the Board may prescribe, the wives or widows of soldiers or sailors who are inmates or who may be or may have been eligible to admission as inmates and who were married to such soldiers or sailors prior to the year 1912.”

Who admitted.

Section 3. Section 1546 of the Revised Codes of Montana of 1921, shall, and the same is hereby amended so as to read as follows:

“Section 1546. The Board of Managers shall select and appoint a chaplain for the Soldiers’ Home, who must be a regular ordained minister of the gospel and who shall hold divine services at the Soldiers’ Home at least twice a month, and who shall also conduct the burial services upon the death of any of the inmates of the Home, and shall be paid a salary of not to exceed Twenty-Five Dollars (\$25.00) per month.”

Chaplain—
duties.

Salary.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 127.

An Act to Amend Section 2357 of the Revised Codes of Montana of 1921, Relating to a License Tax on the Business of Producing or Manufacturing Cement, Cement Plaster, or Gypsum Plaster; and to Amend Section 2368 of the Revised Codes of Montana of 1921, Relating to a License Tax on the Business or Occupation of Retailing or Selling at Retail Cement, Cement Plaster, Gypsum Plaster, or Other By-Products of Cement.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2357 of the Revised Codes of Montana of 1921, be and the same hereby is amended to read as follows:

License tax on
manufacturers of
cement.

“Section 2357. License Tax On Manufacturers of Cement, Etc. Every person engaged in or carrying on the business of producing or manufacturing cement, cement plaster, or gypsum plaster in this State, must, for the year 1921, and each year thereafter, when engaged in or carrying on such business in this State, pay to the State Treasurer, for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business, in an amount equal to four cents per barrel for each and every barrel of cement, containing three hundred and seventy-six pounds, and five cents per ton of two thousand pounds, on cement plaster or gypsum manufactured or produced, during such year by such person within the State of Montana.”

Section 2. That Section 2368 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

License tax on
sales of cement.

“Section 2368. License Tax on Sales of Cement, Etc. Every person who engages in, or carries on the occupation or business in this state of retailing or selling at retail cement, cement plaster, gypsum plaster, or other by-products of cement, must, for the year 1921, and annually each year thereafter when engaged in such occupation or business, procure from the State Treasurer a license to engage in and carry on such occupation or business in this State, and shall annually pay to the State Treasurer for such license a tax of one dollar, together with an additional sum or amount equal to four cents per barrel of three hundred and seventy-six pounds of cement, and five cents per ton of two thousand pounds on cement plaster, gypsum plaster, or other by-products of cement sold by such person during such year, and for the manufacturing or producing of which no person has paid or assumed a liability for the payment of any license tax to the State of Montana, under any law of this State.”

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after March 31, 1925, and shall not apply to sales or distribution made prior thereto.

Approved March 10, 1925.

CHAPTER 128.

An Act to Amend Section 1622 of the Revised Codes of Montana 1921 Adding One Sub-Section Thereto Relating to Restriction of Traffic on Public Highways.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1622 of the Revised Codes of Montana 1921, be and the same is hereby amended to read as follows:

Section 1622. Powers and duties of county commissioners respecting highways. The board of county commissioners of the several counties of the State have general supervision over the highways within their respective counties.

Powers, and duties of commissioners respecting highways.

1. They may, in their discretion, keep the county divided into suitable road districts, place each of such road districts in charge of a competent road supervisor, and order and direct each of such supervisors concerning the work to be done upon the public highway in his district.

Road districts.

2. They may, in their discretion, provide and order the county surveyor, or if the county surveyor is incompetent, some other competent surveyor designated by the board, to prepare suitable plat books and have recorded therein with the county clerk a full description of every public highway within the county, showing each course by bearing and distance, with a full and complete map thereof, together with a record of all other proceedings with reference to the same.

County surveyor to prepare plat books.

3. They must cause to be surveyed, viewed, laid out, recorded, opened, worked, and maintained such highways as are necessary for public convenience, as in this Act provided, and cause to be erected and maintained thereon guide-posts, as provided in this Act.

Surveyed, etc.

4. They must abolish or abandon in the manner provided in this Act such public highways as are not necessary for the public convenience.

Abolish or abandon unnecessary highways.

5. They must contract, agree for, purchase, or otherwise lawfully acquire the right of way over private property for the use of public highways, and for that purpose institute, when necessary proceeding under Sections 9933 to 9958 of the Code of Civil Procedure, pay-

Obtaining of right of ways.

ing for such right of way from the general road fund of the county.

Issue bonds.

6. They may, in their discretion, but subject to the limitation and provisions in the constitution and codes provided, issue bonds upon the faith and credit of the county for the construction or improvements of main highways, state highways, and bridges.

Contracts.

7. They may, in their discretion, but subject to the limitation and restriction provided in the codes for the letting of public contracts, let out by contract the construction, maintenance, and improvement of the public highways, and the construction, maintenance, or repairs of bridges when the amount of work to be done exceeds the sum of one thousand (1000.00) dollars.

Whatever best interest of roads.

8. They may, in their discretion, cause to be done whatever may be necessary for the best interests of the roads and road districts of their several counties.

Traffic.

9. They may, limit or forbid, temporarily, any traffic or class of traffic, on the public highways or any part thereof, when in their discretion it is necessary that traffic be so restricted in order to preserve and repair such highways.

Reports.

10. They must make such reports, relating to the state roads under their supervision, to the state highway commission, as may be requested by said commission.

Road builder.

11. They may, in their discretion, employ a competent road builder, who shall, in counties of the first class, be the county surveyor, and who shall be paid for his services not to exceed eight dollars per day and his actual expenses, who shall serve during the pleasure of the board, whose duty it shall be, under the direction and control of said board, to prescribe the time and place, when and where, all work shall be done on the roads of the county; report any delinquency or inefficiency of any road overseer, or any other person employed upon such road, to the board of county commissioners, and perform such other duties as may be prescribed by the said board.

Duties of.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed in so far as is necessary to give effect to this Act.

Approved March 10, 1925.

CHAPTER 129.

An Act to Amend Section 1783 of the Revised Codes of Montana of 1921, Relating to the State Highway Commission, Creation, Salary, Bond and Term.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1783 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

"Section 1783. State Highway Commission, Creation, Salary and Bond, Terms. There is hereby created a Commission to be known as the State Highway Commission to consist of three members to be appointed by the Governor and each of said members shall be a citizen of the United States and of the State of Montana.

State Highway
Commission,
creation.

Each Commissioner shall hold office for the term of four years and until his successor is appointed and qualified and shall receive as compensation to be paid out of the Highway Fund the sum of Ten Dollars (\$10.00) per diem for each day actually engaged in the duties of his office, including his time of travel between his home and place of employment of such duties, together with his traveling expenses while away from his home in the performance of the duties of his office. Provided, however, that said Commissioners herein provided for, shall not be appointed until such time as a vacancy exists in said Commission as constituted at this time.

Salary.

The Commission shall choose one of its own number as Chairman and shall have power to appoint an engineer and other employees of the Commission. The office of said Commission shall be maintained in the State Capitol Building.

Engineer.
Office.

Each Commissioner shall give bond conditioned for the faithful performance of his duties in the sum of Ten Thousand Dollars (\$10,000.00).

Bond.

Section 2. All Acts and parts of Acts in conflict herewith are repealed.

Section 3. This Act shall be in full force and effect from and after March 31, 1925.

Approved March 10, 1925.

CHAPTER 130.

An Act to Amend Sections 5149 and 5150 Revised Codes of Montana of 1921, Relating to Fire Districts and the Issuing of Bonds by Such Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 5149 and 5150 of the Revised Codes of Montana of 1921, be and the same are hereby amended so as to read as follows:

Fire districts,
creation of.

Issuing of
bonds.

Purpose of.

Vote at
election.

Election notice.

“Section 5149. Whenever the board of county commissioners shall have established a fire district in any unincorporated town or village, said board of county commissioners shall be and is hereby constituted ex-officio a board of directors of such fire district. The board of directors of any duly established fire district in unincorporated towns or villages within this state shall, whenever a majority of the directors so decide, submit to the electors of the district the question of whether the board shall be authorized to issue bonds to a certain amount, not to exceed three per cent of the percentum of the assessed value of the taxable property in such district, and bearing a rate of interest not exceeding six per cent, for the purpose of purchasing fire equipment, necessary lands, erecting buildings for fire purposes, acquiring a water supply, purchasing or otherwise acquiring or constructing a water system and establishing pipe lines. No such bonds shall be issued unless a majority of all the votes cast at any such election shall be cast in favor of such issue. Such bonds may be either amortization or serial bonds, but shall not extend over a longer term than ten years.”

“Section 5150. The time fixed for holding such election must be at least thirty days after the date of the order calling such election. Notice of such election must be given by the board of directors by posting notices thereof, at least ten days before the day of election, in three public places within such district, one of which must be at the polling place. The board of directors must designate a polling place within such district and name three persons residing therein, and who are qualified to vote at such election, as judges and clerks of such election, and a copy of the order fixing the day of election must be delivered to the county clerk and recorder of the county in which such district is located

immediately after the same is made. Upon receipt of the copy of such order the county clerk and recorder must, at least twenty days before the day fixed for holding such election, cause a notice to be posted in at least three public places in such fire district, stating that the register of voters for the precinct in which such district is located will be closed on a day to be specified therein, and which must be the tenth day before the day for holding such election, and on the day specified therein the register of voters for such precinct must be closed and remain closed until after the holding of such election. The county clerk and recorder shall, immediately after the closing of registration for such precinct, make a copy of the register of voters for such precinct and deliver the same to the county treasurer who shall compare the same with the assessment books for the last assessment for state and county taxes, and note after the name of each person contained in such register whether such person's name appears on such assessment books, and make out and sign a certificate giving the names of all such persons whose names do appear on such assessment books and attach the same to such register, and the treasurer must then return such register to the county clerk and recorder who must deliver the same to the persons named as judges and clerks of such election. At such election no person whose name does not appear in such treasurer's certificate as a taxpayer whose name appears on the last assessment books shall be permitted to vote, and no person whose name does so appear in such certificate shall be permitted to vote unless he shall reside within the limits of the fire district, and every person offering to vote at such election, and otherwise qualified to do so, must make and subscribe an affidavit, before one of such judges of election, stating that he actually resides within the limits of such fire district, and all such affidavits shall be preserved and delivered to the board of directors of the district at the same time the returns are delivered to such board. The polls for such election shall be opened at 1 o'clock in the afternoon and remain open until 6 o'clock in the afternoon. The judges and clerks shall count the votes cast at such election and shall make a return thereof to the directors of district, who shall canvass and declare the result of such election. The board of directors shall cause the affidavits herein provided for and the ballots to be prepared for such elec-

Posting of notices.

Register of voters.

Who may vote.

Polls.

Return.

tion in a number equal to the total number of registered electors in the precinct in which the district is located, which ballots shall be substantially in the following form:

Form of
ballots.

“Shall bonds be issued and sold to the amount of
.....dollars and bearing not to exceed 6%
interest per annum and for a period not exceeding
.....years for the purpose of (state purpose).”

☐

BONDS—YES.

☐

BONDS—NO.

Bonds. how
issued.

The elector shall prepare his ballot by marking an X in the square before the proposition for which he desires to vote. If a majority of the votes cast at such election is in favor of issuing bonds the board of directors shall issue such bonds; such bonds shall be issued in substantially the same manner and form as bonds of school districts of the third class, shall bear the signature of the chairman of the board of directors, and of the county recorder, as ex-officio secretary of the fire district; if coupons are attached to the bonds they shall also be signed by such chairman and secretary, provided that a lithographic, printed or engraved facsimile signature of the president and secretary may be affixed to the coupons if so recited in the bonds, and the seal of the fire district shall be affixed to each bond. Each bond shall be registered in the office of the county treasurer in a book provided for that purpose, which shall show the number and amount of each bond and the person to whom the same is issued or sold; and the said bonds shall be sold by the board of directors as hereinafter provided.”

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 131.

An Act to Amend Section 10904 Revised Codes of Montana 1921, Relating to Unfair Discrimination in the Purchase Price of Commodities and Products.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10904 Revised Codes of Montana 1921, be and the same is amended to read as follows:

“Section 10904. Unfair discrimination in purchase price of commodities. Any person, firm, company, association, or corporation, either domestic or foreign, doing business in the State of Montana, and engaged in the business of buying, selling, producing, manufacturing, or distributing any commodity or product in general use, that shall, for the purpose of creating a monopoly or destroying the business of a regularly established dealer in such commodity or product, or to prevent the competition of any person, firm, company, association, or corporation who in good faith intends or attempts to become such dealer, shall discriminate between different persons, sections, communities, or portion thereof, or parts of the State of Montana, by purchasing any commodity or product in general use at a higher rate or price in one section, city, or community, or any portion thereof, than such person, firm, company, association, or corporation pays for such commodity or product in another section, city, or community, after making due allowance for the difference in the actual cost of transportation from the point of purchase to the point of manufacture, sale, storage, or distribution, and for the difference in the grade and quality of such commodity, or product, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful.

Unfair discrimination in purchase price of commodities.

Unlawful.

Proof that any person, firm, company, association, or corporation has paid a higher rate or price for any such commodity or product in one section, city, or community, or any portion thereof, than such person, firm, company, association or corporation paid for such commodity or product in another section, city or community, or portion thereof, after making due allowance for the difference in the actual cost of transportation from the point of purchase to the point of manufacture, sale,

Evidence of violation.

Proviso.

storage, or distribution, and for the difference in the grade and quality of such commodity, or product, shall be prima facie evidence of the violation of this Act; Provided, however, that the payment of such higher rate or price in one section, city or community, or any portion thereof, than each person, firm, company, association or corporation pays for such commodity or product in another section, city or community, after making such allowance as above provided, shall not be deemed to be unfair discrimination provided such higher rate or price is paid for the purpose of meeting the rate or price set by a competitor in such section, city or community, but the burden of proof of such fact shall be upon the person, firm, company, association or corporation charged with unfair discrimination.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 132.

An Act to Determine the Status of Public Deposits in Insolvent Banks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. In the liquidation of the affairs of any insolvent bank, claims for public deposits such as those of the State, County, City or Town, shall not be given preference over the other claims against such bank. This act shall not affect any bank now in process of liquidation.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after January 1, 1926.

Approved March 10, 1925.

CHAPTER 133.

An Act to Amend Section 6109-d of Chapter 13 of Part III of the Civil Code of the Revised Codes of Montana, of 1921, as Enacted and Added to Said Chapter 13 by Chapter 90 of the Laws of the Eighteenth Legislative Assembly, Relating to the Assessment on the Capital Stock of Banks to Make Good Their Impairment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6109-d of the Revised Codes of Montana of 1921, as enacted by Chapter 90 of the Laws of the Eighteenth Legislative Assembly be, and the same is hereby amended to read as follows:

“Section 6109-d. Assessment on Capital Stock to Make Good Impairment.

Assessment on capital stock to make good impairment.

1. Whenever the Superintendent of Banks shall determine that an impairment of capital exists in any bank, he shall notify the Board of Directors of such bank by written notice that such impairment exists, stating the amount thereof in dollars and percentage of the capital stock thereof, and order such board to make good such impairment within ninety days from date of such notice.

The board of directors shall, upon receipt of notice, convene and pass a resolution reciting the receipt of such notice of impairment and calling a special meeting of the stockholders of the bank for a day certain in the manner provided in their by-laws.

Special meeting to be called.

The stockholders, when assembled as herein provided, shall pass a resolution reciting the facts of receipt of notice from the Superintendent, notice of impairment and notice of meeting, and assessing themselves by assessing the stock of record, payment of which assessment must be made within the time limit specified by the Superintendent of Banks as provided in notice of impairment.

Stockholder's resolution.

If there be any stock remaining on which the assessment is not paid as hereinabove provided, the same or such part thereof as is necessary to pay the assessment shall be sold by the board of directors, acting through the cashier or secretary thereof, at public or private sale as appears best for all concerned, on a day certain, not less than thirty days after the day fixed for pay-

Sale of stock for unpaid assessments.

Notice of
sale.

ment of assessment hereinabove provided, notice of time and place of which sale shall be given by registered mail to the stockholders by the board through its cashier or secretary at least ten days prior to the date thereof and such sales of stock as herein provided for shall effect an absolute cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void in the hands of the stockholders, his assigns or pledgees, and a new certificate shall be issued by the bank to the purchaser thereof, for the number of shares purchased, and a new certificate issued to the stockholder of record and delivered to him or any pledgee or assignee thereof for the remaining shares, if any, and the record of the original certificate sold shall be marked cancelled on the books of the bank and such record thereof shall be prima facie evidence of the regularity of the proceedings for the sale of said stock.

Failure to make
good capital
impairment.

2. If any bank fails to make good its capital impairment as provided herein, the Superintendent of Banks may, with the approval and consent of the Governor and Attorney General, forthwith take charge of such bank and proceed to liquidate it as in case of insolvency.

Suit for

3. If the said stock does not sell for sufficient to pay the assessment thereon, the Board of Directors may proceed by suit in the name of the corporation to collect the deficiency from the record holder, whose stock has been thus sold for the assessment.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 134.

An Act to Amend Sections 1884, 1885, and 1898 of the Revised Codes of Montana, 1921, and to Repeal Section 1886 of the Revised Codes of Montana, 1921, All Relating to the Leases and Rentals of State Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1884 of the Revised Codes of Montana, 1921 be, and the same is hereby amended to read as follows:

“Section 1884. First Payment of Rental. Each lessee shall pay to the register each year’s rental in advance, and the register shall upon such payment execute and deliver to such lessee, a lease of such lands without bond, and shall enter the same in a suitable book to be kept for that purpose, the condition of the lessee being that failure to comply with the requirements shall automatically cancel the lease and the land be declared open to other applicants; provided that said lessee shall have been notified by registered mail of the date of expiration of said lease; and provided further, that said lessee shall have the preference right to a renewal of said lease for a period of thirty days after such cancellation; and provided further, that such lessee shall pay all delinquent rentals within said thirty days before said lease shall be renewed.”

First payment
of rental.

Delinquent
rentals.

Section 2. That Section 1885 of the Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

“Section 1885. Penalty for Failure to Make First Payment. If any successful bidder at a public leasing or public sale refuses or neglects to make payment, as herein provided, he shall forfeit to the State the sum of Two Hundred Dollars (\$200.00) with costs; and the Attorney General shall institute a suit for the recovery thereof in the name of the State of Montana.”

Penalty for
failure to make
first payment.

Section 3. That Section 1898 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

“Section 1898. Removal of Improvements. All lessees having improvements on state lands, and who do not wish to release the same, may dispose of or remove such improvements as are capable of removal without damage to the land, at any time within ninety days from the expiration of such lease, after which period all such improvements that have not been removed shall become the property of the State, unless such period be extended by the register for good cause shown. It is further provided when improvements have become the property of the State and application is made to lease land upon which improvements remain, the register of the State lands may lease said lands without demanding payment for such improvements, title to the same remaining in the State of Montana, or the register may sell improve-

Removal of
improvements.

When improve-
ments property
of state.

ments to such applicant at an appraised value set by State Land Agent."

Section 4. That Section 1886 of the Revised Codes of Montana, 1921, be, and the same is hereby repealed.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 135.

An Act to Amend and Re-Enact Section 3956 of the Revised Codes of Montana of 1921, as Amended by Section 1 of Chapter 147 of the Session Laws of the Eighteenth Legislative Assembly, Relating to the Procedure for Organizing Irrigation Districts and Examination and Report of the Public Service Commission Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3956 of the Revised Codes of Montana, 1921, as amended in Section 1, of Chapter 147 of the Session Laws of the Eighteenth Legislative Assembly, shall be, and the same is hereby amended to read as follows:

"Section 3956. Procedure for organizing irrigation district—Petition — Map — Bond — Examination and report. For the purpose of establishing and organizing an irrigation district hereunder, a petition in duplicate, signed by sixty per centum of the number of the holders of title, or evidences of title to lands susceptible of irrigation from the same general source, and by the same general system of works, such holders of title or evidence of title also representing sixty per centum in acreage of said lands shall be filed with the clerk of the district court of the county in which the lands of the proposed district, or the greater portion thereof, are situate, accompanied by written instructions that one of the copies of the petition shall be forwarded to the Secretary of the Public Service Commission of Montana; provided, that if there are three or more counties embraced in the proposed district, and no one county em-

Petition for
organization of
districts.

Filing.

braces fifty per cent (50%) or more of said lands, then and in that event shall be filed in the county which embraces a greater portion of said lands than any one of the other counties embraced in said proposed district; provided, however, that when any of such land sought to be included in such irrigation district is covered by mortgages or other lien, then the owner or owners of such land shall first procure the written consent of the holder of such mortgage or other lien before proposing the establishment and organization of such irrigation district. The county assessment roll or rolls of the year last preceding, or the roll or rolls which have been last equalized at the time of the filing of the petition, or the certificate of the county clerk and recorder or the certificate of the register of the State Land Office shall be sufficient evidence of title for the purpose of this Act. Such petition shall set forth; (1) The name suggested for the proposed district; (2) A general description of the lands to be included in the proposed district; (3) The names of the holders of title or evidence to the lands in the proposed district ascertained in the manner hereinbefore mentioned; and if any holder is a non-resident of the county or counties in which the proposed district lies, the postoffice address of such non-resident owner, if known; (4) Generally the source from which the land in the proposed district is to be irrigated, the character of the works, water rights, canals, and other property proposed to be acquired or constructed for irrigation purposes in the proposed district; (5) A statement that signers will pay any and all expenses incurred and any tax or taxes that may be levied against their lands for the purpose of paying the expense of organizing or attempting to organize the proposed district, retiring any bonds that may be issued and the interest thereon; (6) A prayer that the lands embraced within the proposed district be organized as an irrigation district according to the provisions of this Act.

Contents of
petition.

The petition shall be accompanied with (1) a map or plat of the proposed district, and (2) a good and sufficient bond or undertaking to be approved by the district court or judge thereof of the county in which the petition is filed, equal in amount to the probable cost of organizing such district, to be filed under the provisions of this Act, to pay all costs in and about the proceeding preliminary to the organization of the dis-

Maps or plat
bond or
undertaking.

trict in the event that said organization shall not be effected.

Effect of errors.

Mere error or omission in the description of any land or in the names of any of the holders of title or evidence of title to lands, shall not operate to render invalid any proceedings hereunder or to deprive either the district court or the Commission of jurisdiction in the subject matter: provided, such misdescribed lands or misnamed persons shall not be included in said district.

Estimate of amount of preliminary expense.

It shall be the duty of the clerk of the district court in which such petition is filed to forward one copy of the petition, properly certified by him, to the Secretary of the Public Service Commission, who shall refer the same to its chief engineer, who shall advise the Commission of the estimated amount of his expenses in making preliminary examination of the lands to be included in the proposed district and the source from which the lands are to be irrigated. The Secretary of the Commission shall thereupon advise the party or parties filing the petition for the proposed irrigation district, of the amount of the preliminary expenses of the engineer, which amount shall forthwith be paid to the Secretary of the Commission and by him turned over to the State Treasurer to be credited to the Montana Irrigation Fund, hereby created.

Preliminary examination, how made.

Upon payment of such amount to the Secretary of the Commission, the engineer shall make a preliminary examination of the lands to be included in the proposed irrigation district, and the source from which the lands are to be irrigated, and shall make a report to the Commission as to the feasibility and advisability of the creation of such proposed district. The expenses of the engineer (not including his salary, but including the salaries of the necessary assistants) shall be paid out of the funds so deposited with the Secretary of the Commission and any surplus over and above said expenses shall be returned to the petitioners by a warrant drawn on the Montana Irrigation Fund. Upon the report of the engineer being filed with the Commission, showing an estimate of the amount of water available for irrigating the lands to be served thereby, the number of acres that can be irrigated by such water and the approximate cost per acre and annual maintenance cost, the Commission shall thereupon make a recommen-

dation as to whether or not the estimated cost of the construction or acquisition of the irrigation works will be disproportionate to the benefits to be derived therefrom.

Recommendation
of commis-
sion.

The Commission is authorized to call upon and it is hereby made the duty of the State Engineer to make an investigation and report to said Commission, within not more than one hundred twenty (120) days after demand therefor, as to the available water supply and the right of the district to use the water as proposed, said report, or true copy thereof, to be included in and made a part of the said preliminary report of the Commission.

Report of State
Engineer.

The Secretary of the Commission shall therefor transmit to the clerk of the district court in which the original petition was filed, a certified copy of such estimate and recommendations, under the seal of the Commission. The district court shall examine and consider the estimate and recommendation of the Commission before establishing any irrigation district, such estimate and recommendation being hereby made competent and relevant testimony. The petitioners shall have the right to subpoena and cross-examine any members of the Commission or its engineers at the initial and all subsequent hearings pertaining to the district; provided, however, that the provisions of this Act shall not apply to any irrigation district organized for the purpose of co-operating with the Reclamation Service of the United States Government."

Transmission
to clerks of
court.

Court to
examine.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 136.

An Act Relating to Irrigation Districts, and Amending and Re-Enacting Section 7234 Revised Codes of Montana, 1921, as Amended by the Laws of the Eighteenth Legislative Assembly of the State of Montana, Relating to the Distribution of Costs on the Lands Within the District.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7234 of the Revised Codes of Montana, 1921, as amended by the session laws of 1923, be and is hereby amended so as to read as follows:

“Section 7234. All Irrigable Lands Chargeable Alike. All irrigable lands in each irrigation district, except such lands as have been included within such district on account of the exchange or substitution of water, under the provisions of Section 7206, shall pay at the same rate for all purposes for which said lands are charged; and except that whenever water used for the irrigation of any lands within an irrigation district shall be obtained by pumping to different elevations, the cost of maintenance, operation, and pumping to each separate elevation shall be apportioned and levied upon the lands lying under the ditch or ditches running from that particular elevation, in such manner as may be determined fair and equitable by the board of commissioners after considering the facts in each case. Such apportionment shall be made by the board of commissioners and included each year in the assessment provided for by Section 7235 of this code as amended. The amount of such assessment for maintenance, operation, and pumping of water to each separate elevation, whenever there are different elevations, shall be determined by the board of commissioners in such manner, and upon such notice to the persons interested in said district, as said board in its rules and regulations may provide; and provided further, that where contract shall have been made with the United States, the lands within the district, whether originally included or later annexed to the district, shall pay in accordance with the federal reclamation laws and the public notices, orders, and regulations issued thereunder, and in compliance with any contracts made by the United States with the owners of said lands; and in compliance further, with the contract between the districts and the United States; and

All irrigable
land chargeable
alike.

Apportionment
of costs of
maintenance.

Federal
contracts.

provided further, that where the works necessary for the completed project shall be constructed progressively, over a period of years, and that where a portion of the lands within the district are or can be irrigated one year or more before the completion of the entire project, then and in that case, such lands, so irrigated or that can be so irrigated through the built portion of the project, shall pay for the cost of operating that portion of the project serving them with irrigation water, and also shall pay such portion of the interest charges as its irrigable area bears to the irrigable area of the entire project; and in case of lands having appurtenant thereto a partial water right or partial rights in a system of irrigation other than that of the districts, the amounts payable shall be equitably apportioned."

Payment by
lands using
water before
completion of
project.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 137.

An Act to Amend Section 4767 of the Revised Codes of Montana of 1921, as Amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly, Relating to the Deposits of County, City and Town Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1, of Chapter 89, of the Laws of the Eighteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

"Section 4767. Deposit of Public Funds. It shall be the duty of all county, city and town treasurers to deposit all public moneys in his possession and under his control in any solvent bank or banks located in the county, city or town of which such treasurer is an officer, subject to national supervision or state examination, as the board of county commissioners, in the case of a county, or of the council, in the case of a city or town, may designate, and no other. The sums so deposited shall bear uniform interest at the rate of not more than two per centum per annum, payable quarter-

Deposit of city
and town funds.

Interest.

Security.

annually. The Treasurer shall take from such banks such security as the board of county commissioners, in the case of a county, or the council, in the case of a city or town, may prescribe, approve and deem fully sufficient and necessary to insure the safety and prompt payment of all such deposits on demand together with the interest thereon. Such securities shall consist of bonds of some surety company authorized to do business in the State of Montana, bonds and securities of the United States Government and its dependents, bonds and warrants of the State of Montana or of any county, city, town or school district of Montana, personal bonds, as hereinafter provided, when accompanied by a sworn statement of the resources and liabilities of each of the sureties thereon which shall be attached and made a part of the bond and corporation bonds issued in the United States of America, which are quoted on the New York Stock Exchange, which shall be acceptable at not to exceed ninety per cent of such market quotation. Provided further, that when negotiable securities are furnished, such securities may be placed in trust and the trustees receipt may be accepted in lieu of the actual securities when such receipt is in favor of the Treasurer, his successors and the State of Montana, and the form of receipt and the trustee have been approved by the State Examiner. All warrants or other negotiable securities must be properly assigned or endorsed in blank. It shall be the duty of the board of county commissioners in the case of county funds, or the council in the case of funds of a city or town, upon the acceptance and approval of any of the above mentioned bonds or securities, to make a complete minute entry of such acceptance and approval upon the record of their proceedings, and such bonds and securities shall be reapproved at least quarter-annually thereafter.

Negotiable securities.

Record of securities.

Division of deposits among local banks.

When more than one bank is available in any county, for the deposit of county funds, or in any city or town for the deposit of city or town funds, such deposits shall be distributed ratably among all of such banks qualifying therefor, substantially in proportion to the paid-in capital and surplus of each such bank willing to receive such deposits under the terms of this Act, and it shall be the duty of said county, city or town treasurer to prorate all such deposits among all the banks qualified to receive the same as in this Act provided, to the end that an equitable distribution of such deposits shall be

maintained. Whenever it shall come to the attention of the State Examiner that the funds of any county, city or town are not properly distributed as provided in this Act, the State Examiner shall order the treasurer of such county, city or town to distribute said funds in accordance herewith, and if such treasurer shall refuse or neglect to comply with such order it shall be the duty of the State Examiner to institute proceedings against such treasurer at the cost of the county, city or town of which such treasurer is an officer, on the official bond of such treasurer. If no such bank exists in the county, city or town, or if any bank or banks existing in the county, city, or town, or if any bank or banks existing therein fails or refuses to qualify under the terms of this Act to receive such deposits, then and in such case, or in either of such cases, such moneys as have not been accepted by any bank or banks within said county, city or town, shall be deposited under the terms of this Act in the bank or banks most convenient to such county, city or town, willing to accept such deposits under the terms of this Act, and qualified as above provided. Any bank or banks receiving such deposits, shall, through its president and cashier, make a statement quarter-annually of account, under oath, showing all such moneys that have been deposited with such bank during the quarter, the amount of daily balances in dollars, and the amount of interest by such bank, or banks credited or paid therefor, and shown that neither such bank nor any officer thereof, nor any person for it, has paid or given any consideration or emolument whatsoever to the treasurer or to any other person other than the interest provided for herein, for or on account of the making of such deposits with any such bank. All such deposits shall be subject to withdrawal by the treasurer in such amounts as may be necessary from time to time, and no deposit of funds shall be made, or permitted to remain in any bank, until the security for such deposits shall have been first approved by the board of county commissioners in the case of county funds, or by the council in the case of city or town funds, and delivered to the treasurer. All interest paid and collected on such deposits shall be credited to the general fund of the county, city or town to whose credit such funds are deposited. Where moneys shall have been deposited in accordance with the provisions of this Act, the treasurer shall not be liable for

Quarterly statement of banks.

Withdrawals.

Disposal of interest.

Liability of treasurer.

loss on account of any such deposit that may occur through damage by the elements, or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct.”

Section 2. No personal bond shall be accepted except when such bond is for the purpose of renewing a personal bond now in effect, and from and after January 1, 1928, personal bonds shall not be considered as acceptable security; provided further, that from and after the passage and approval of this act, no new or additional deposit shall be made by any treasurer under any personal bond.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 138.

An Act to Create a Banking and Building and Loan Association Code Committee and Prescribe Its Powers and Duties and Making Appropriation Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation of
Banking Code
Commission.

Qualifications.

Appointment.

Section 1. There is hereby created and established a Banking and Building and Loan Association Code Committee to be known as the Banking Code Commission of the State of Montana. Said Board to consist of three (3) members to be appointed by the Governor, all of whom shall be qualified electors of the State of Montana. Any vacancy occurring on the Commission by death or otherwise to be filled by appointment by the Governor.

Compensation.

Section 2. Each member of said Commission shall be paid his actual traveling and other necessary expenses, and in addition a compensation of eight dollars (\$8.00) per day while actually engaged in work assigned to him by the Commission, in going and returning from such work, and while such commission is in session.

Chairman.

Section 3. The Commission shall organize by the election of one of their members as Chairman and the ap-

pointment of a suitable person as Secretary. They shall appoint such other employees or advisors as they may deem proper and necessary for the performing of their work. The salary and compensation of all such advisors and employees to be fixed by the Commission.

Secretary.

Employees
advisors.

Section 4. They shall investigate or cause to be investigated the banking and building and loan association and financial laws of the State of Montana and of the several states of the United States, and of the United States relative to the incorporation of banks, trust companies and financial institutions, and the conduct and regulation of corporations engaged in such business of banking or receiving deposits of money, and they shall be authorized to hold sittings and public hearings as they shall deem necessary for their investigation provided that nothing in this act shall authorize such Commission to travel or hold meetings outside of the State of Montana.

Powers and
duties.

Section 5. That the State Banking Code Commission shall report to the Governor of the State of Montana on or before the first day of November, 1926, the result of their investigations of the laws which they have investigated and methods for amendments to the banking and building and loan association, incorporation or regulatory laws of the State of Montana, and advise and recommend to the Governor such laws or amendments to laws of the State of Montana, as from their investigation they have found necessary or useful in the incorporation, conduct and regulation of banks and building and loan association and similar financial institutions, and the protection of bank depositors, and shall propose and recommend to the Governor a banking code and building and loan association code for the regulation of the incorporation of banks and building and loan associations and the conduct of banking business and building and loan business in the State of Montana and the examination and investigation thereof by executive officers of this State.

Report to
Governor.

Advice and
recommendations.

Banking code.

Section 6. The term of office of said State Banking Code Commission shall expire on the first day of November, 1926.

Term of office.

Section 7. There is hereby appropriated from the general funds of the State of Montana, for use of the Banking Code Commission of the State of Montana, Four

Appropriation.

Thousand Dollars, (\$4000.00), or so much thereof as may be necessary for the payment of salaries and expenses of said Commission and for the purpose of carrying out the provisions and intent of this Act.

Expenses.
Claim and
approval.

Section 8. No money shall be paid out for the expense of said State Banking Code Commission except upon order of the Commission, signed by the Chairman thereof, with the claim audited and passed upon by the State Board of Examiners, as required of other claims against the State of Montana, and so when passed and approved it shall be paid by Warrant upon the State Treasurer, drawn upon an appropriation herein made for the payment thereof.

Section 9. All Acts or parts of Acts in conflict herewith are hereby repealed, provided nothing in this Act shall be construed as repealing any law relative to the incorporation of banking and trust companies, or the conduct of banking or financial business in the State of Montana, or providing for the violations thereof.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 139.

An Act for the Establishment and Construction of a Fish Hatchery Along the Waters of Rock Creek, in Granite County, Montana, Making Appropriation Therefor and an Appropriation for the Maintenance Thereof for the Years 1925 and 1926.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be the duty of the Montana State Fish and Game Commission to establish and construct on a site therefor to be donated by the County of Granite, but not within the borders of a Forest Reserve, tributary to Rock Creek in Granite County, Montana, a fish hatchery for the propagation of food fish and other fish, during the year 1925; such hatchery shall be constructed by the said Commission in such manner and form as they shall deem best and in accordance with the rules of said Commission and the General Laws of the State applicable to the expenditure of the Fish and Game Commission for like purposes.

Granite County
Fish Hatchery.

Construction.

Section 2. There is hereby appropriated out of any moneys in the State Fish and Game Fund not otherwise appropriated for such purpose, the following sum:

For the construction of such hatchery the sum of Two Thousand Dollars, (\$2000.00), which shall be available by the first day of July, 1925; Appropriation, construction.

For the maintenance thereof, for the fiscal year of 1925, the sum of Six Hundred Dollars, (\$600.00). Maintenance appropriation.

For the maintenance thereof, for the fiscal year of 1926, the sum of Six Hundred Dollars, (\$600.00).

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1925.

CHAPTER 140.

An Act Declaring Abandoned Horses Running at Large Upon the Open Range in the State of Montana to Be a Public Nuisance; Defining "Abandoned Horse"; Defining "Open Range"; Condemning Abandoned Horses Running Upon the Open Range; Providing for Roundups and for Sale and Other Disposition of Abandoned Horses Taken Up in Such Roundups; Providing for Reclamation of Any Abandoned Horse by Its Owner; Providing for the Taxation of Abandoned Horses; and Providing for Notices and Procedure.

WHEREAS, there are large and increasing numbers of horses, of little or no value, running upon the open range and highways of the State of Montana, without being cared for, but being abandoned by their owners, and consuming vegetation, breaking into private enclosures and consuming forage and destroying private property, and endangering the safety of domestic animals and even human beings; and

Horses running at large.

WHEREAS, such animals have become and are hereby declared to be a public nuisance and a public menace; therefore,

Public nuisance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The term "abandoned horse" as used in

"Abandoned horse" defined.

this Act means any horse, mare, gelding, filly, jack, mule or any other animal of the genus equus, of the age of one (1) year or over, and unbranded, or if branded, which escaped assessment for taxation for the year next preceding its impounding as hereinafter provided for, and running at large upon the open range of this State, and including foals running with dams coming within the above definition. An animal not bearing a decipherable brand which is recorded in the office of the Recorder of Marks and Brands shall be deemed unbranded.

"Open range".

The term "open range" means all lands in the State of Montana not enclosed by a legal fence. The term "open range" includes all highways outside of private enclosures and used by the public, whether the same have been formally dedicated to the public or not.

"Person".

The term "person" shall include individuals, associations or persons and corporations.

Unlawful for horses to run at large.

Section 2. It shall be unlawful for any person to suffer or permit any abandoned horse to run at large upon the open range in the State of Montana; and such horses so running at large upon the open range in the State are hereby declared to be a public nuisance and a public menace, and are hereby condemned, subject to the right of the owner of any such abandoned horse to reclaim the same as and under the conditions hereinafter provided.

Petition of property owners or association.

Section 3. For the purpose of speedily clearing abandoned horses from the open range in any County or in any district thereof, the Board of County Commissioners of any such County may, in its discretion, and upon the petition of at least ten (10) responsible property owners, inhabitants of the proposed roundup district, engaged in the live stock business and paying taxes upon livestock in such County, or upon the petition of a reputable local Live Stock Association, authorize a roundup of abandoned horses in the entire County or in any district within such County, as the case may be, in its discretion, any such roundup to be conducted in such manner as to cause as little disturbance as reasonably possible to horses running lawfully on the open range. All expense of any such roundup shall be paid by the petitioners at whose request the same is initiated, and no County officer or board shall have any power to expend any moneys of the County or incur any obliga-

Expense, how paid.

tion on its behalf in connection with any such roundup. Such petitioners, however, shall be reimbursed for the expense of such roundup, as and when moneys may be available for that purpose, in the Abandoned Horse Fund, by warrants issued upon claims filed as in the case of other claims against the County. If such petition is allowed the Board shall make an order authorizing such roundup, which order shall state whether such roundup is to be held in the entire County or in a district thereof, and in the latter case the order shall describe generally such district with reasonable certainty; and such order shall also specify the date on or within ten (10) days after which the roundup shall begin and shall designate the place within the County or district, as the case may be, at which the headquarters of such roundup shall be maintained.

Order.

Section 4. Notice of the holding of any such roundup shall be given by the Board of County Commissioners at least thirty (30) days prior to the date when the same shall begin, such notices to be published at least once a week for three (3) successive weeks in some newspaper of general circulation, printed and published in the County in which such roundup is to be held, (if any such newspaper be printed and published within such County) and such notice shall be posted in at least five (5) public places, outside of the County seat of such County on public highways in such County or district, as the case may be, in which such roundup is to be held, and three (3) notices shall be posted in three (3) public places in such County seat, one of which notices shall be posted at the front door of the Court House, such notices as posted outside of the County seat to be posted not less than two (2) miles apart and all posted notices to be posted at least twenty (20) days before the date upon or after which the roundup shall begin as stated in such notice. If no newspaper be printed and published in such County, publication in a newspaper shall not be required. At least twenty (20) days before the date upon or after which the roundup is ordered to begin, a copy of such notice shall be, by the Clerk of said Board of County Commissioners, filed with the Montana Live Stock Commission.

Notice.

Published and posted.

Such notices shall be in substantially the following form:

"Notice is hereby given that in accordance with the

Form of notice.

provisions of Chapter.....of the laws of the Nineteenth Session of the Legislative Assembly of the State of Montana, and beginning on or within ten (10) days after the.....day of....., 19....., a roundup of abandoned horses will be held under the supervision of the undersigned Board of County Commissioners in the County of....., State of Montana (or if only in a district, generally describing the district), and all abandoned horses taken up in such roundup, and not lawfully reclaimed by the owner, will be sold or otherwise disposed of as provided in said Chapter.

"The headquarters of such roundup will be maintained at.....

"Dated the.....day of....., 19.....

"By order of the Board of County Commissioners of County.

By Clerk of said Board."

Supervision of commissioners.

Section 5. All roundups shall be under the control and supervision of the Board of County Commissioners of the County in which the same shall be held. Roundup districts shall be numbered in the order of their creation. Each roundup shall be conducted by some person designated by the Board of County Commissioners, whose official designation shall be "Roundup Foreman,".....

"Roundup Foreman".

.....Roundup District, ... County, State of Montana," and such person shall maintain his headquarters at the place designated by the Board of County Commissioners in its order as the headquarters of such roundup. Such roundup foreman shall have power to administer oaths and affirmations in all matters coming within the scope of his official duties. The Board of County Commissioners shall require from such Roundup Foreman an official bond, with sufficient sureties, by such Board, and in such amount as may be deemed necessary by said Board, and such bond shall be conditioned as official bonds of County officers, and shall be subject to all provisions of law applicable to such bonds. All abandoned horses taken up in any such roundup shall be delivered to the roundup foreman in charge of such roundup and shall be by him offered for sale at public auction and sold to the highest bidder for

Headquarters.

Duties.

Bond.

Public Auction Sale.

cash, if there be any bidder or bidders therefor, and any such abandoned horses so offered for sale, and for which no bid is made, shall be destroyed or otherwise disposed of in the discretion of the Board of County Commissioners, unless reclaimed as herein provided.

Destroy
remainder.

Section 6. Any person claiming to be the owner of any such abandoned horse or horses may serve written notice upon the roundup foreman in charge of such roundup of his claim of ownership, at any time before sale, or other final disposition of such horse or horses, such claim of ownership to be verified by the oath of the claimant or some one on his behalf, and the sale or other final disposition of such horse or horses shall, as to such horse or horses, be postponed from time to time as may be necessary, to enable the claimant to make proof of his claim as herein provided; provided that such postponement shall not be had unless the claimant shall pay to the roundup foreman in charge of such roundup, or deliver to him satisfactory security for, the estimated cost of keeping and feeding such horse or horses until sale or other final disposition, or delivery to the owner.

Owner to prove
ownership.

Sale postponed.

Cost of keeping
and feeding.

Section 7. Any person claiming any abandoned horse or horses as provided in Section 6 of this Act shall, within five (5) days after serving the notice provided for in said Section 6, or within such further time as the Board of County Commissioners shall allow, upon good cause shown, submit to such Board proof of his ownership, and shall deposit with said Board the amount of any unpaid taxes and penalties where not a lien on real property which may be assessed against such horse or horses, together with the sum of Five Dollars (\$5.00) roundup fee. The Board shall decide all such cases in preference to all other matters coming before it and at the earliest possible moment. If the claim shall be allowed, the roundup foreman in charge of such roundup shall immediately be notified of such decision and he shall forthwith deliver such horse or horses, as to which ownership shall be so proved, to the owner upon payment of any amount due from such owner for the estimated cost of keeping and feeding such horse or horses as aforesaid, and the deposit made by such owner of taxes, penalties, and roundup fee, shall be by the Board delivered to the County Treasurer; but if such Board shall deny the claim of ownership it shall forthwith notify the person in charge of such roundup of its deci-

Proof of owner-
ship to board.

Penalties, taxes
and roundup fee.

Claim allowed.

Claim disallowed.

sion, and such horse or horses as to which such claim shall be denied shall be offered for sale at the earliest convenient session of the sales being held under such roundup, and if not sold the same shall be destroyed or otherwise disposed of as though no claim had been presented.

Notice of
sale.

Section 8. Before any sale shall be had, at least ten (10) days notice shall be given by publication and posting in the manner specified in Section 4 hereof, except that publication, if made in a newspaper, shall be once in each week for two successive weeks, and posting shall be done at least five (5) days before the date of sale. Such notice shall be in substantially the following form:

Form of
notice.

“NOTICE OF SALE OF ABANDONED HORSES.”

“Notice is hereby given that on.....day, the
.....day of....., 19.....,
at.....in the County of.....
State of Montana, beginning at the hours of.....
M., on said day the following described abandoned horses
will be sold at public auction to the highest bidder for
cash, to wit:

“(Give general description of horses to be sold by
brand, if any, color, approximate weight, and estimated
age.)

“Any horses not reclaimed before sale as provided by
law, and for which no bid is made at said sale, will be
destroyed, or otherwise disposed of, in the discretion of
the Board of County Commissioners of.....County,
State of Montana.

“Dated the.....day of....., 19.....

“By order of the Board of County Commissioners
of.....County, Montana.

By.....Clerk of said Board.”

Time of sale.

All such sales shall be held between the hours of eight
(8) o'clock in the forenoon and six (6) o'clock in the
afternoon and may be continued from time to time until
all abandoned horses taken in such roundup shall have
been disposed of. On payment of the price bid for any
such horse or horses sold, the delivery thereof, with a
bill of sale, vests the title thereto in the purchaser.

Assessment.

Section 9. It shall be the duty of the County Assessor
immediately to assess all horses taken up in such roundup
which shall be sold, or reclaimed before sale, and not

already assessed for the current year, and forthwith transmit to the County Treasurer a copy of each assessment made. Any such horses which have escaped the assessment mentioned in Section 1 foregoing, shall be assessed as provided for in Section 2033 of the Revised Codes of Montana of 1921.

Section 10. All moneys paid by reclaiming owners of any such horse or horses shall be paid to the County Treasurer and by him kept in a fund to be designated as the "Abandoned Horse Fund, Roundup District No..... (giving number of district in which such horse or horses were rounded up)." A separate fund, styled as above specified, shall be kept by the County Treasurer for each roundup district created in his County. All moneys received from the sale of any such horses shall be paid to the County Treasurer and if such sum received from the sale of any such horse shall not exceed the taxes, penalties, and the roundup fee, the whole thereof shall be immediately deposited in the Abandoned Horse Fund for the district in which such horse or horses were rounded up; but if the sum received from the sale or any such horse shall exceed such taxes, penalties and roundup fee, the amount of such taxes, penalties and roundup fee shall be forthwith deposited in the Abandoned Horse Fund for such district, and the excess shall be kept by the Treasurer in a separate fund, and he shall make a record of the description of such horse, the amount received for the same, and the amount of deductions for taxes, penalties and roundup fee, which record shall be open to public inspection; and any person making claim to the Board of County Commissioners at any time within six (6) months from the date of sale, of ownership of such horse, and submitting proof of ownership to such Board with such claim, to the satisfaction of such Board, shall be entitled to receive such excess received from the sale of such horse. Any money received from the sale of any such horse in excess of taxes, penalties, and roundup fee, which shall not be so claimed within six (6) months after such sale, shall at the expiration of said period become the property of such County and shall be transferred to the Abandoned Horse Fund for the district in which any such horse was rounded up.

Payment of
money.

Abandoned
horse fund.

Record.

Owner proving
claim shall
receive excess
from sale.

Section 11. The roundup foreman in charge of any such roundup shall keep an accurate record of all proceedings had under the order for such roundup and

Record of
horses and
financial state-
ment.

Filing.

Money to be
transferred to
General fund
of county.

Officer and
employees not li-
able in good
faith.

No limiting of
powers.

within thirty (30) days after such roundup shall be completed he must prepare, in triplicate, and verify by his oath, a full, true and accurate report of all the proceedings taken or had under the order for the roundup, among other things, particularly including a complete financial statement, the number and description of horses impounded and how disposed of. Within said thirty (30) days one of such triplicates of such report shall be filed with the Clerk of the Board of County Commissioners and such filing shall be notice to the world of all the contents of such report and prima facie proof of the facts therein stated. Within said thirty (30) days one of such triplicates shall also be filed with the County Assessor and one with the County Treasurer for their information and appropriate action.

Section 12. On the 30th day of November of each year the County Treasurer shall, if all claims against any such Abandoned Horse Fund are paid and a balance remains in such fund, transfer all moneys so remaining in such fund to the General Fund of the County, subject to the usual division with the State as to any portion of such balance which shall consist of taxes collected on the abandoned horses; but no part of the roundup fee of Five Dollars (\$5.00) shall be paid to the State; and any portion of the taxes so collected which shall be used in paying claims against said Fund is hereby declared to be a part of the cost of collection of such taxes.

Section 13. No officer, Board, or employee of any County, nor any employee of any such officer or Board shall be liable for any act performed in good faith in discharging official duties under this Act; and all such acts shall be presumed to have been in good faith and in conformity with this Act.

Section 14. Except as herein provided, nothing herein contained shall be construed as limiting the powers or duties of Assessors, County Treasurers, or other Boards or officers.

Section 15. If any clause, sentence, section, paragraph or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, section, paragraph

or part hereof directly adjudged to be invalid or inoperative.

Section 16. All Acts and parts of Acts in conflict with this Act are hereby repealed to the extent of such conflict.

Section 17. This Act shall be in full force and effect on and after May 1st, 1925.

Approved March 10, 1925.

CHAPTER 141.

An Act to Abolish the County Contingent Fund and to Legalize and Establish a Petty Cash Fund in Lieu Thereof by Amending Sections 4632 and 4633 of the Revised Codes of Montana of 1921, Relating to the County Contingent Fund; and Also to Amend Sections 4864 and 4868 of the Revised Codes of Montana of 1921, Relating to the Disposition of Fees of County Officers and Salaries of County Officers and How Paid.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4632 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 4632. Petty Cash Fund. The Board of County Commissioners, with the approval of the State Examiner, may set aside a sum of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) out of the General Fund, which shall be known as a Petty Cash Fund, for the purpose of paying incidental expenses such as freight, express, postage and other similar items which must be paid in cash at time of delivery, in counties having a county auditor, the county auditor shall be responsible for expenditures from the petty cash fund. In counties not having a county auditor, the county clerk shall be responsible for expenditures from the petty cash Fund.

Petty cash fund.

Purpose.

Responsibility.

Section 2. That Section 4633 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 4633. Surplus of Contingent Fund. At the close of the fiscal year, June 30th, 1925, all monies in

Surplus of contingent fund.

Warrants
against said
fund.

Transfer of
said fund.

Abolishment.

the Contingent Fund in excess of the amount necessary for the retirement of the outstanding warrants against said fund including the interest on said warrants, shall be transferred to the General Fund of the County. In case there is not sufficient money in said fund to retire the outstanding warrants as above provided, then and in that case, the Board of County Commissioners shall transfer the required amount from any funds available in the General Fund. Provided further, that if there is not sufficient money available in the General Fund, then and in that case, the same shall be provided for in the General Fund tax levy for the ensuing year. When all warrants issued on the Contingent Fund are paid the fund shall be abolished."

Section 3. That Section 4864 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Disposition
of fees of
county officers.

"Section 4864. Disposition of Fees of County Officers. No county officer shall receive for his own use, any fees, penalties or emoluments of any kind, except the salary as provided by law, for any official service rendered by him, but all fees, penalties and emoluments of every kind must be collected by him for the sole use of the county and must be accounted for and paid to the County Treasurer as provided by Section 4887 of this Code and shall be credited to the General Fund of the County."

Section 4. That Section 4868 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Salaries, how
paid.

"Section 4868. Salaries. How Paid. The salaries of the several county officers and their assistants must be paid monthly out of the General Fund of the county, upon the order of the Board of County Commissioners, except the salary of the County Attorney, which is payable monthly, one-half from the General Fund of the County and the other one-half from the State Treasury upon the warrant of the State Auditor, upon the presentation of a certificate from the Board of County Commissioners stating the amount for which the same is to be drawn."

Section 5. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after July 1, 1925.

Approved March 10, 1925.

CHAPTER 142.

An Act to Amend Sections 2269 and 2270 Revised Codes of Montana 1921, Relating to Payment of Taxes Under Protest.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 2269 and 2270 Revised Codes of Montana 1921, be, and the same are hereby amended so as to read as follows:

“Section 2269. Payment of Taxes under Protest—Action to Recover. In all cases of levy of taxes, licenses or other demands for public revenue which are deemed unlawful by the party whose property is thus taxed, or from whom such tax or license is demanded or enforced, such party may before such tax or license becomes delinquent pay under written protest such tax or license, or any part thereof, deemed unlawful, to the officers designated and authorized to collect the same; and thereupon the party so paying, or his legal representatives, may bring an action in any court of competent jurisdiction against the officer to whom said license or tax was paid, or against the county or municipality in whose behalf the same was collected, to recover such tax or license, or any portion thereof, paid under protest; provided, that any action instituted to recover any license or tax paid under protest shall be commenced within sixty days after the date of payment of the same; provided further, that when any such license or tax is payable in installments the first installment, or so much thereof as may be deemed unlawful, may be so paid under written protest and suit commenced to recover the same within the time herein prescribed, and if any subsequent installment of such license or tax shall become due or payable before the final determination of the suit commenced to recover the first installment, or portion thereof, so paid under protest, then such subsequent installment, or portion thereof deemed unlawful, may also be paid under written protest, and no suit or action need be commenced to recover the same, but the determination of the suit or action commenced to re-

Payment of
taxes under
protest, action
to recover.

Action to
recover.

Limitation.

Installments.

"Protest fund".

How refunded.

Assessment for
taxation, in-
crease over
statement of
owner.

Notice to owner.

cover the first installment, or portion thereof, paid under protest, shall determine the right of the party paying such subsequent installment to have the same, or any part thereof refunded to him. All such license and taxes, when so paid under protest, shall be deposited by the treasurer of the county or municipality to the credit of a special fund to be designated as Protest Fund, and no part thereof shall be paid over to any officer, or placed in any other fund or used for any purpose whatever, but the whole thereof shall be retained in such Protest Fund until the final determination of any suit or action to recover the same. If no action is commenced within the time herein specified, or if such action be commenced and finally determined in favor of the county or municipality, or treasurer thereof, the amount of such license or tax shall be taken from such Protest Fund and deposited to the credit of the fund or funds to which the same properly belongs, but if such action is finally determined adversely to such county or municipality, or the treasurer thereof, then the treasurer shall, upon receiving a certified copy of the final judgment in said action, refund the amount of such license or tax, with costs of suit without interest, to the person in whose favor such judgment is rendered; provided, that if such action was commenced for the purpose of recovering the first installment, or any portion thereof, of any such license or tax, and any subsequent installment thereof, has been paid under protest, as herein provided, then the county treasurer shall, at the time of refunding the amount of such first installment required by such judgment also refund such portion of any subsequent installment as the person holding such judgment is entitled to recover, without interest."

"Section 2270. Assessment for Taxation—Increase over Statement of Owner. Whenever any person has delivered to the assessor a sworn statement of his property subject to taxation as now provided by law, and giving the estimated value of such property, and the assessor shall increase such estimated value, or add other property to such assessment list, he shall, at least ten days prior to the meeting of the county board of equalization, give to such person written notice of such change which notice shall be substantially in the following form:

'(Date).....

Mr.....

A change has been made in your assessment list as follows: Form of notice.

(Set out and describe specifically changes made in list.)

Assessor of.....County, Montana.'

Such person may then appear before the county board of equalization and contest the same; and if the assessment of any such person has been added to or changed, either by the assessor or by the county board of equalization, and such person has not been notified thereof and given an opportunity to contest the same before the county board of equalization, the tax on such increased value or added property shall, upon such facts being established, be adjudged by the court to be void, and such facts and all questions relating thereto, when said tax has been paid under protest, may be heard and determined in the action provided for in section 2269. When any person has appeared before the county board of equalization, and has contested the increase in the estimated value of his property, or the addition of other property to his assessment list, and has appealed to the state board of equalization from any action or decision with reference thereto by the county board of equalization and such person is aggrieved at the final action of the state board of equalization in making or allowing such increase or addition, he may pay the tax on such increase or addition or the installments thereof if payable in installments, under protest in the manner provided by section 2269, and thereupon, and within the time prescribed and in the manner provided by said section 2269, may commence an action to recover such tax, or installments, and in such action contest and litigate the payment of such taxes on such increased value or added property, on the same grounds and for the same reasons that he has contested the same before the county and state boards of equalization, and for no other reasons and on no other grounds; provided, that all of the provisions of Section 2269 for the retention or refunding of taxes paid under protest shall apply to taxes paid under protest under this section; and provided, further, that when any action is instituted to recover any tax, or installment thereof, paid under protest, if the value of the property as increased by the assessor or

Contest.

Pay such increase under protest.

Action to recover.

If property
over valued,
jury shall
determine value.

Recovery of
taxes.

Damage when
plaintiff loses.

county board of equalization and finally determined by the state board of equalization is an over-valuation of such property, the jury in the case shall determine the actual value of such property at the time the same became liable for taxes, and if the value as fixed by the jury is less than the value as fixed by the county assessor or county board of equalization, and finally determined by the state board of equalization then the plaintiff shall be entitled to recover taxes on the difference between such value as fixed by the jury and the value as fixed by the county assessor or county board of equalization and finally determined by the state board of equalization and if the value as fixed by the jury shall exceed the value on which taxes were levied the plaintiff shall be liable in damages equal to the product obtained by multiplying the proper percentage of such excess valuation as found by the jury by the rate per cent at which taxes were levied on such property."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 143.

An Act to Amend Section 2095 of the Revised Codes of Montana of 1921 Relating to the Collection and Lien of Taxes on the Net Proceeds of Mines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2095 of the Revised Codes of Montana of 1921 be, and the same hereby is, amended to read as follows:

Tax, how
levied.

Lien.

"Section 2095. The taxes on such net proceeds must be levied as the levy of other taxes are provided for, and every such tax is a lien upon the mine or mining claim from which the ore or mineral products or deposits are mined or extracted, and is a prior lien upon all personal property and improvements used in the process of extracting such ore or mineral products or deposits; provided, however, that such personal or real property is owned by or under lease by the person, part-

nership, association, or corporation who extracted said ore, or mineral products or deposits.

The tax on such net proceeds may be collected, and the payment thereof, enforced, by the seizure and sale of the personal property upon which the said tax is a lien, in the same manner as other personal property is seized and sold for delinquent taxes, or by the sale of the mine or mining claim and improvements, as provided for the sale of real property for delinquent taxes, or by the institution of a civil action for its collection in any court of competent jurisdiction; provided, however, that a resort to any one of the methods of enforcing collection, as herein provided for, shall not bar the right to resort to either or both of the other methods, but that any two or all of the methods herein provided for may be used until the full amount of such tax is collected.

Payment, how
enforced.

Methods.

Action.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 144.

An Act to Create the Horticultural Revolving Fund, Providing for Its Administration and Its Return to the General Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Treasurer and State Auditor are hereby directed to open and maintain upon their respective books of account a fund to be known as the horticultural revolving fund, to which shall be credited such sums as the Legislature from time to time may appropriate for the eradication of orchards wherein infected trees are found as provided in Section 3617, Revised Codes of Montana, 1921, as a revolving fund for the use of the Division of Horticulture of the Department of Agriculture, Labor and Industry, out of which shall be paid such claims as are approved by the Commissioner of Agriculture and the Board of Examiners for labor and other expenses incurred in the removal of such infected trees.

"Horticulture
Revolving
Fund".

Purpose.

Reimbursement
of General Fund.

Section 2. The State General Fund shall be reimbursed for such sums as the Legislature from time to time may appropriate for the horticultural revolving fund by the return to it of all collections made by the Commissioner of Agriculture, or by the County Treasurers as provided in Section 3617, 3628 and 3629, Revised Codes of Montana 1921.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 145.

An Act to Amend Section 7594, of the Revised Codes of Montana of 1921, Relative to the Contract for Sale of Personal Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7594 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Filing contracts
for sale of
personal
property.

“Section 7594. Filing Contracts For Sale Of Personal Property. All contracts, notes, and instruments for the transfer or sale of personal property, where the title is stipulated to remain in the vendor until the payment of the purchase price, or some part thereof, shall be in writing, and the original or true copy thereof, certified by the county clerk and recorder, shall be filed with the county clerk and recorder of the county wherein said personal property was situated at the time of the execution of said contract, note or other instrument for the transfer or sale of said personal property, if the vendee resides without said County, the original or a certified copy thereof shall be filed in the county where the vendee resides, otherwise, any such contract, note, or instrument is void as to bona fide purchasers, mortgagees, or attaching creditors of such property prior to such filing.”

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 146.

An Act to Amend Section 9409 of the Revised Codes of Montana of 1921, Relating to the Contents and Filing of Judgment-Roll.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 9409 of the Revised Codes of Montana of 1921, is hereby amended to read as follows:

“Section 9409. Judgment-Roll. Contents and Filing. Judgment Roll.
Immediately after entering the judgment the clerk must attach together and file the following papers, which constitute the judgment-roll:

(1) In case no defendant has appeared, the summons, with the affidavit or proof of service, and the complaint, with a memorandum endorsed thereon, that the default of the defendant in not answering was entered, and a copy of the judgment and in case the service so made is by publication the affidavit for publication of summons, and the order directing the publication of summons; What constitutes default cases.

(2) In all other cases, the pleadings, a copy of the verdict of the jury, or finding of the court or referee, all bill of exceptions taken and filed, all orders, matters, proceedings deemed excepted to without bill of exceptions, and a copy of any order made on demurrer or relating to a change of parties, and a copy of the judgment. If there are two or more defendants in the action, and any one of them has allowed judgment to pass against him by default, the summons, with proof of service of it upon such defendant and if the service on such defaulting defendant be by publication, then the affidavit for publication and the order directing the publication of the summons, must also be added to the other papers mentioned in this subdivision.” What constitutes in all other cases.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 147.

An Act Providing for Regulating, Licensing and Bonding Dealers in Farm Produce in Carlots, Describing the Duties of the Commissioner of Agriculture in Relation Thereto, and Providing Penalties for the Violation of the Provisions Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Each person, firm, corporation or association of persons, except for a regularly established wholesale or retail dealer or merchant who is rated in the Commercial Agencies, engaged in the business of buying in carlots for resale, hay, potatoes, apples, vegetables or other farm produce, not including grain, livestock or poultry, within the State of Montana, shall on or before the first day of July of each year, give a bond with good and sufficient sureties, to be approved by the Commissioner of Agriculture, to the State of Montana, in such sum as the commissioner may require, conditioned upon the faithful performance of his duties as such dealer, and upon the payment when due of the purchase price of farm products purchased by him, and for the prompt reporting of sales to all persons consigning farm produce to the licensee for sales on commission, and the prompt payment to the persons entitled thereto of the proceeds of such sales less lawful charges, disbursements and commissions. Each person, firm, corporation, or association of persons, except for a regularly established wholesale or retail dealer or merchant who is rated in the Commercial Agencies, engaged in the business of dealing in farm produce, as described herein within the State of Montana, shall on or before the first day of July of each year pay to the State Treasurer of the State of Montana, a license fee in the sum of \$5.00, and upon the payment of such fee, the Commissioner of Agriculture shall issue to such person, firm, corporation or association of persons, a license to engage in such business at the place described within the State of Montana for the period of one year. Any person, firm, corporation or association of persons, except for a regularly established wholesale or retail dealer or merchant who is rated in the Commercial Agencies, who shall engage in or carry on any business for which a license is required by this Act, or who shall continue to engage in such business after such license has been

Bond for
commercial
agencies.

Condition.

License Fee.

Violation.

revoked, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$10.00 nor more than \$50.00, and each and every day for such business engaged in shall be a separate offense.

Section 2. Any person, firm, corporation or association of persons engaged in the business of handling farm produce under license as described herein, who shall:

(a) Impose false charges for handling, or services in connection with farm produce; or

(b) Fail to account for such farm produce promptly and properly and to make settlements therefor, with intent to defraud; or

Misdemeanor,
what constitutes.

(c) Directly or indirectly purchase for his own account, goods, received by him upon consignment, except with the consent of the owner; or

(d) Makes false statements or reports as to grade, condition, markings, quality or quantity of goods received, shipped or packed in any manner with intent to deceive; is guilty of a misdemeanor, and the Commissioner may forthwith revoke the license granted such person, firm, corporation, or association of persons.

Section 3. The Commissioner of Agriculture may require regular and special reports from licensees under this Act at such times, and in such form as he may deem expedient. He may upon complaint cause the business of any licensee and the mode of conducting same to be inspected, and the books, records, accounts, papers and procedures of every such licensee shall at all times during business hours be subject to such inspection. It shall be the duty of the Commissioner of Agriculture to intervene in the interests of claimants in cases of insolvency, violations of the provisions of Section 2 of this Act, or failure to report upon or pay for farm produce received by any such licensee. The Commissioner of Agriculture shall have power to demand payment of its undertaking by the surety upon any bond given under this Act and it shall be the duty of the Attorney General or any County Attorney of this State to represent the Commissioner of Agriculture in any necessary action against such bond when facts constituting grounds for action are laid before him.

Reports from
licensees.

Inspection.

Intervene for
claimants.

Undertaking.

Commissioner,
how represented.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after July 1, 1925.

Approved March 12, 1925.

CHAPTER 148.

An Act to Amend Chapter 51, Part 4, of the Revised Codes of Montana of 1921, Relating to Fire Protection in Unincorporated Towns, by Adding Thereto a Section to Be Known as Section 5148-a.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 51 of the Revised Codes of Montana of 1921, be amended by adding thereto a section to be known as Section 5148-a, to read as follows:

“Section 5148-a. Establishment of fire limits within unincorporated towns.

Petition.

The Board of County Commissioners whenever a petition signed by two-thirds of the property owners of an unincorporated town is filed with them, are authorized, for the purpose of guarding against fire, to establish fire limits within the town and to prescribe rules and regulations for the construction and maintenance of fire proof buildings within such limits.”

Fire limits.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 149.

An Act Amending Section 1529 of the Revised Codes of Montana of 1921, Relating to the Board of Managers of the Soldiers' Home, and the Appointment of the Same, and Fixing Their Terms of Office.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1529 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Board of
Managers.

“Section 1529. Board of Managers. The general su-

pervision and government of said home shall be vested in a board of managers, to consist of five members, one of whom shall be the department commander of the Grand Army of the Republic of the State of Montana, or in case the office of Department Commander of the Grand Army of the Republic of the State of Montana shall be at any time abandoned or discontinued then the Department Commander of the Spanish American War Veterans of the State of Montana for the time being shall be a member of the board, and the remaining four shall be appointed by the governor, by and with the advice and consent of the Senate. Of the four members so appointed as aforesaid, two shall hold their office for the term of four years and two for the term of two years respectively, and until their successors are appointed and qualified. The governor, at the time of the making of the said appointments, shall designate the period for which each member is appointed, and thereafter every two years the governor shall appoint two members of said board of managers, who shall hold their office for the term of four years, and until their successors are appointed and qualified. The governor shall have the power to remove any member of the board for inefficiency or other good and sufficient cause, and in case of any vacancy in said board by death or otherwise, the governor shall appoint a suitable person to fill the vacancy for the unexpired term. No less than three members of said board of managers shall be ex-soldiers or sailors of the United States, and one of the board shall be a regular practicing physician, duly licensed under the laws of the State of Montana."

Qualifications,
how appointed.

Term of office.

Removal for
inefficiency.

Ex-soldiers as
board.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 12, 1925.

CHAPTER 150.

An Act to Amend Sections 1, 11, 12, 14, 15, 18 and 19 of Chapter 65 of the Eighteenth Legislative Assembly of the State of Montana, Relating to the Establishment of a Tax on Direct and Collateral Inheritances, Bequests, and Devises, and Relating to the Duties Imposed Upon Judges of District Courts and Clerks of the District Courts in Relation Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 65 of the Eight-

eenth Legislative Assembly of the State of Montana be, and the same is hereby amended to read as follows:

Tax imposed. "Section 1. HOW AND WHEN IMPOSED. A tax shall be and is hereby imposed upon any transfer of property, real, personal or mixed, or any interest therein, or income therefrom in trust or otherwise, to any person, association or corporation except the State of Montana, or any of its institutions, county, town or municipal corporations within the state, for strictly county, town, municipal, or other public purposes, and corporations of this state organized under its laws, or voluntary associations, organized solely for religious, charitable, or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization, within the state, in the following cases, except as hereinafter provided:

Resident of state. (1) BY A RESIDENT OF STATE. When the transfer is by will or by intestate laws of this State from any person dying possessed of the property while a resident of the State.

Non-resident's property within the state. (2) NONRESIDENT'S PROPERTY WITHIN THE STATE. When a transfer is by will or intestate law, of property within the State or within its jurisdiction and the decedent was a nonresident of the state at the time of his death.

In contemplation of death. (3) IN CONTEMPLATION OF DEATH. When the transfer is of property made by a resident or by a nonresident when such nonresident's property is within the state, or within its jurisdiction, by deed, grant, bargain, sale or gift, made in contemplation of the death of the grantor, vendor, or donor, or intended to take effect in possession or enjoyment at or after such death. Every transfer by deed, grant, bargain, sale or gift, made within two years prior to the death of the grantor, vendor or donor, of a material part of his estate, or in the nature of a final disposition or distribution thereof, and without a fair consideration in money or moneys worth shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this section.

When imposed. (4) WHEN IMPOSED. Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or after the passage of this Act; provided that the

provisions of this Act shall apply to all estates of all decedents who have died since the first day of April, 1921, and which estates remain undistributed on the date when this Act takes effect, to the same extent and in the same manner as though this Act had been in full force and effect at the dates of death of such decedents, and if any tax shall have been paid by any executor, administrator, heir, legatee or devisee of any such decedent before the date when this Act takes effect, the amount of such tax so paid shall be allowed as a credit on the total amount of tax required to be paid by such executor, administrator, heir, legatee, or devisee under the provisions of this Act.

Applies to
what estates

Taxes paid
before this act.

(5) TRANSFER UNDER POWER OF APPOINTMENT. Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property, made either before or after the passage of this Act, such appointment, when made, shall be deemed to transfer taxable under the provisions of this Act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this Act, shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related, had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

When transfer
is under
appointment.

Failure to ex-
ercise power
of appointment.

(6) JOINT ESTATES. Whenever any property, real or personal, is held in the joint names of two or more persons, or as tenants by the entirety, or is deposited in banks or other institutions or depositaries in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons, the right of the surviving tenant by the entirety, joint tenant, or joint tenants, person or persons, to the immediate ownership or possession of such property shall be deemed a transfer of one-half or other proper fraction thereof as though the property to which such trans-

Joint estates.

fer relates belonged to the tenants by the entirety, joint tenants, or joint depositors as tenants in common, and had been bequeathed or devised to the surviving tenant by the entirety, joint tenant, or joint tenants, person or persons, by such deceased tenant by the entirety, joint tenant, or joint depositor, by will, except such part thereof as may be shown to have originally belonged to the survivor and never to have belonged to the decedent.

Insurance part
of estate.

(7) **INSURANCE PART OF ESTATE.** All insurance payable upon the death of any person over and above Fifty Thousand Dollars (\$50,000.00), shall be deemed a part of the property and estate passing to the person or persons entitled to receive the same and if payable to more than one person the said Fifty Thousand Dollars (\$50,000.00) exemption shall be pro-rated between such persons in proportion to the amount of insurance payable to each.

Tax imposed
on clear market
value.

(8) **ON CLEAR MARKET VALUE.** The tax so imposed shall be upon the clear market value of such property passing by any such transfer to each person, institution, association, corporation, or body politic, at the rates hereinafter prescribed, and only upon the excess of the exemption hereinafter granted to such person, institution, association, corporation or body politic, and in determining the clear market value of the property so passing by any such transfer the following deductions, and no other, shall be allowed; debts of the decedent owing at the date of death, expenses of funeral and last illness, all state, county and municipal taxes which are fixed in amount and owing by the decedent at the date of death, the ordinary expenses of administration, including the commissions and fees of executors and administrators and their attorneys actually allowed and paid, and federal estate taxes due or paid.

Deductions al-
lowed.

Section 2. That Section 11 of Chapter 65 of the laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same hereby is amended to read as follows:

Transfer of
stock by foreign
executors.

Section 11. **TRANSFER OF STOCK BY FOREIGN EXECUTORS.** If a foreign executor, administrator, or trustee shall assign or transfer any stock or obligations in this state, or within the jurisdiction of this state standing in the name of a decedent or in trust for a de-

cedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county or the state treasurer on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax.

Liability.

(2) NONRESIDENT DECEDENT; NOTICE OF TRANSFER; ORDER OF COURT. No safe deposit company, bank, or other institution, person or persons, holding securities or assets of a nonresident decedent nor any corporation organized under the laws of this state, in which a nonresident decedent held stock at his decease, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended transfer be served upon the State Board of Equalization at least ten days prior to the said transfer; nor shall any such safe deposit company, bank, or other institution, person or persons, nor any corporation deliver or transfer any securities or assets of the estate of a nonresident decedent without retaining a sufficient portion or amount of the transfer of such securities or assets under the provisions of the inheritance tax laws, without an order from the proper court authorizing such transfer; and it shall be lawful for the State Board of Equalization, personally or by representative, to examine said securities or assets at any time before such delivery or transfer. Failure to serve such notice or to allow such examination or to retain a sufficient portion or amount to pay such tax as herein provided shall render said safe deposit company, trust company, bank, or other institution, person or persons, or such corporation liable to the payment of the tax due upon said securities, or assets in pursuance of the provisions of the inheritance tax laws. The State Board of Equalization may issue a certificate authorizing the transfer of any such stock, securities or assets whenever it appears to the satisfaction of the said Board that no tax is due thereon.

Non-resident decedent.

Notice of transfer.

Order of court.

Board may examine assets.

Board may authorize transfer.

(3) DEBTS, EXEMPTIONS, ETC., TO BE APPORTIONED. Whenever a tax may be due from the estate, or the beneficiaries therein, of any resident or non-resident decedent upon the transfer of any property, when the property or the estate left by such decedent is partly within and partly without this state, or upon any stocks, bonds, mortgages or other securities representing prop-

Apportionment of part property debts.

Exemptions. erty or estate partly within and partly without the state, any beneficiary of such estate shall be entitled to deduct only his proper proportion of that portion of the total debts, expenses of administration and federal estate taxes which the gross estate in Montana or within its jurisdiction bears to the gross estate both within and without this state. As to his Montana exemption, each beneficiary shall be entitled to deduct only that portion represented by the ratio between his interest in the property in this state or within its jurisdiction and his interest in the entire estate.

Board regula-
tions and orders.

(4) INFORMATION TO BOARD; RETAINING AMOUNT OF TAX. The State Board of Equalization shall require such reports and information and shall make such orders, rules, and regulations as it may deem necessary to enable the said board to secure the necessary information from domestic corporations, and to ascertain the amount of and collect such tax; and no holding company or other corporation subject to the provisions of this section shall deliver or transfer any stocks, bonds, mortgages, or other securities of a Montana corporation without retaining a sufficient portion thereof to pay any tax which may thereafter be assessed under the provisions of this act on account of such transfer, except upon order of the proper court or a certificate of consent of the State Board of Equalization.

Board may
not transfer
except by re-
taining tax.

Penalties.

(6) PENALTIES. Any corporation or holding company violating the provisions of this section shall be liable to the state for the amount of the tax together with a penalty of ten per cent thereof.

Section 3. That Section 12 of Chapter 65 of the laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

District Court
jurisdiction.

“Section 12. DISTRICT COURTS: JURISDICTION. The district court of every county of the state having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under the inheritance tax laws, or to appoint a trustee of such estate or any part thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of the inheritance tax laws, and to do any Act in relation thereto authorized by law to

be done by a district court in other matters or proceedings coming within its jurisdiction; and if two or more district courts shall be entitled to exercise any such jurisdiction, the district court first acquiring jurisdiction hereunder, shall retain the same to the exclusion of every other district court.

Before decree of distribution in any estate shall be issued by the district judge, or the issuance of an order discharging the executor, administrator or trustee of any estate, there shall be filed with the clerk of the district court a certificate signed by the State Board of Equalization stating that the amount of inheritance tax determined to be due to the State of Montana, as appearing in the order of the court determining tax, has been properly computed, or if no tax is due such certificate shall so state.

Certificate
signed by State
Board of
Equalization.

(2) PETITION FOR ANCILLARY LETTERS: Every petition for ancillary letters testamentary or of administration shall include the State Board of Equalization as a person to be notified, and a true and correct statement of all the decedent's property in this state with the value thereof; upon presentation thereof the district court shall cause the order for hearing to be served upon the said board; and upon the hearing the district court shall determine the amount of the inheritance tax which may be or become due and the decree awarding the letters may contain provisions for the payment of such tax or giving of security thereof.

Petition for
ancillary letters.

Order for
hearing.

Judgment.

(3) DETERMINATION BY STATE BOARD OF EQUALIZATION. Any personal representative, trustee, heir, devisee or legatee of a nonresident decedent leaving no estate requiring administration in this state, desiring to transfer any stocks, bonds, mortgages or other securities, or other personal property in this state or within the jurisdiction of this state, may make application to the State Board of Equalization for the determination whether there is any tax due upon account of the transfer thereof, and the amount of any such tax, and such applicant shall furnish to the State Board of Equalization therewith, an affidavit setting forth a description and statement of the property owned by the decedent situated within this state, or within its jurisdiction at the time of his death, the true value of said property at the time of decedent's death; a description and statement of the true value of all property owned

Application to
board for de-
termination of
tax due.

Duty of
applicant.

by the decedent at the time of his death situated outside of this state, and without its jurisdiction; and containing a schedule or statement of all valid claims against the estate of the decedent, including the expenses of his last illness, funeral expenses and expenses of administering his estate. Such applicant shall also, at the same time, furnish the State Board of Equalization with a certified copy of the last will of the decedent, in case he died testate, or an affidavit setting forth the names, ages, and residence of the heirs at law of decedent in case he died intestate, and the proportion of the entire estate of said decedent inherited by each of said persons, and the relation, if any, which each legatee, devisee, heir, or transferee sustained to the decedent, or person from whom the transfer was made. Such affidavit shall be subscribed and sworn to by the personal representative of the decedent, or some other person having knowledge of the facts therein set forth.

Statement not
binding on
board.

The statement contained in any affidavits, statements or schedules as to values, or otherwise, shall not be binding upon the State Board of Equalization in case they believe the same to be erroneous or untrue. From the information so furnished them and such other information as they may be able to obtain with reference thereto, the State Board of Equalization shall, with reasonable diligence, proceed to ascertain and determine the amount of tax, if any, due under the provisions of this act, and notify the person making the application of the amount of the tax so ascertained and determined to be due; or in case there is no tax to be paid, the State Board of Equalization shall issue a consent to the transfer of the property so owned by the decedent.

Board shall de-
termine tax or
consent to
transfer.

Appeals.

Any person aggrieved by the determination of the State Board of Equalization in any matter herein provided for in this subdivision, may, within thirty (30) days thereafter, appeal to the district court of Lewis and Clark County, by serving on the State Board of Equalization a notice in writing setting forth his objections to such determination, and by filing such notice, after so serving the same, in the office of the clerk of such court, and thereupon, and within ten (10) days after the service of such notice on them the State Board of Equalization shall transmit full and complete copies of all original papers and records which have been filed with them in relation to such application, to the Clerk

Notice of.

Duty of board
to transmit
records.

of said District Court, and thereupon the said District Court shall have jurisdiction of such application and proceeding. Upon ten days' notice given by either the applicant or the State Board of Equalization, the matter may be brought on for hearing and determination by said court, either in term time or in vacation, at a general or special term of court, or at chambers, as may be directed by the order of the court.

Hearing.

(4) NONRESIDENT ESTATES; JURISDICTION. Whenever any nonresident decedent, leaving no estate requiring administration in this state, shall leave any stocks, bonds, mortgages, or other securities, or other personal property within the state or within the jurisdiction thereof, and no personal representative, trustee, heir, devisee, or legatee of such nonresident decedent has made application to the State Board of Equalization for the determination as to whether there is any tax due for the transfer thereof and the amount of such tax, if any, the State Board of Equalization, upon such matter being called to its attention, shall make an order, and cause a copy thereof to be served upon the personal representative, trustee, heirs, devisees or legatees of such nonresident decedent, ordering and directing that a statement and return, under oath, containing the statements and information prescribed in Subdivision 3 of this Section, be filed with such Board within sixty (60) days from the date of such order, or within such further time as the State Board of Equalization may grant therefor; and if such statement is not filed with the State Board of Equalization within such time the State Board of Equalization may then procure such information in any manner it may deem advisable. Upon the filing of such statement, or the procuring of such information by the State Board of Equalization in the event of a failure to file the same in compliance with such order, the State Board of Equalization shall proceed in the same manner as prescribed by subdivision 3 of this Section, and all provisions thereof with reference to hearings and appeals shall be applicable thereto.

Personal property of nonresident decedent where no application for determination of tax.

Duty of board to issue order to heirs, etc.

Failure of heirs to file statement.

Determination of tax.

•Section 4. That Section 14 of Chapter 65 of the laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same hereby is amended to read as follows:

Section 14. SPECIAL APPRAISER: DUTIES; POWERS; COMPENSATION. Every such appraiser

Special appraiser.

Duties of
special appraiser.

shall forthwith give notice by mail to all persons known to have a claim or interest in the property to be appraised, including the State Board of Equalization, and to such persons as the district court may by order direct, of the time and place when he will appraise such property. He shall, at such time and place, appraise the same at its fair market value, as herein prescribed; and for that purpose the said appraiser is authorized to issue subpoenas and to compel the attendance of witnesses before him and to take the evidence of such witnesses under oath concerning such property and the value thereof; and he shall make report thereof and of such value in writing, to the said district court, together with the depositions of the witnesses examined, and such other facts in relation thereto and to the said matter as the said district court may order or require. Every appraiser shall be paid on the certificate of the district court at the rate of not to exceed Ten Dollars (\$10.00) per day for every day actually and necessarily employed in such appraisal, and shall receive his actual and necessary traveling expenses, and witnesses shall be allowed the same fees as are allowed witnesses in civil actions in courts of record and the same shall be paid by the executor, administrator or trustee of such estate in the same manner as provided for the payment of other administration expenses.

Compensation
and expenses.

Section 5. That Section 15 of Chapter 65 of the Laws of the Eighteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Report of
appraiser.

“Section 15. Hearing By The Court. The report of the special appraiser shall be made in triplicate, and not less than ten days before the hearing thereon one of said triplicates shall be filed in the office of the district court, one to the administrator or the executor, and the other shall be mailed to the State Board of Equalization. At the time and place of hearing the administration account the district court shall examine such report, and from the report and other proofs relating to any such estate shall forthwith determine the cash value of such estate and the amount of tax to which the same is liable; or, the district court without appointing such appraiser may at the time so fixed hear evidence and determine the cash value of such estate and the amount of tax to which the same is liable.

Hearing.

Court to de-
termine tax.

(2) NOTICE OF HEARING. Notice of such hearing to determine the inheritance tax shall be given in the same manner and may be included in the notice of hearing the administration account as provided by law. Notice in writing of such hearing shall be mailed to the State Board of Equalization not less than ten days before such hearing upon such blanks and containing such information as the State Board of Equalization may provide.

Notice of
hearing.

(3) APPRAISER TO REPRESENT COUNTY AND STATE. If the district court, without appointing such special appraiser, decide to hear evidence as to the cash value of the estate for inheritance tax purposes, the court may, at the time of the appointment of the regular appraisers of the estate, or at any time thereafter, on its own motion, or upon motion of the State Board of Equalization, designate an additional appraiser to represent the state, and such additional appraiser shall report the inventory and appraisal of said property with the other appraisers; or, in case of failure to agree, in a separate report, and be entitled to compensation of five dollars per day for each day necessarily employed in such appraisal, and his mileage, which fees and expenses shall be paid by the executor, administrator or trustee of such estate in the same manner as provided for the payment of other administration expenses.

Appraiser
appointed at
option of court.

Compensation.

(4) COMMISSIONER OF INSURANCE TO VALUE FUTURE ESTATES, ETC. The commissioner of Insurance shall, on application of any district court or of the State Board of Equalization, determine the value of any such future or contingent estates, income, or interests thereon, limited, contingent, dependent, or determinable upon the life or lives of the person or persons in being, upon the facts contained in the district court's finding and determination and contained in such special appraiser's report and upon the facts certify the same to the district court or State Board of Equalization, and his certificate shall be presumptive evidence that the method of computation adopted therein is correct.

Valuation by
commissioner
of insurance.

(5) APPRAISAL AT CLEAR MARKET VALUE; ANNUITIES, HOW COMPUTED. Whenever a transfer of property is made upon which there is, or in any contingency there may be, a tax imposed, such property shall be appraised at its clear market value immediately upon the transfer or as soon thereafter as practicable.

Appraisal of
clear value.

Value determined how.

The value of every future or limited estate, income, interest, or annuity dependent upon any life or lives in being, shall be determined by the rule, method, and standard of mortality and value employed by the commissioner of insurance in ascertaining the value of policies of life insurance and annuities for the determination of liabilities of life insurance companies, except that the rate of interest for making such computation shall be five per cent per annum. The tax so determined shall be construed to be upon the transfer of a proportion of the principal or corpus of the estate equal to the present value of such future or limited estate, income, interest or annuity, and not upon any earnings or income of said property produced after death. Such tax shall be due and payable forthwith, except as otherwise provided in this Act.

Rate of interest.

Tax construed how.

Tax payable when.

Contingent incumbrances.

(6) CONTINGENT ENCUMBRANCES. In estimating the value of any estate or interest in property to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made in respect of any contingent encumbrance thereon, nor in respect of any contingency upon the happening of which the estate or property or some part thereof, or interest therein, might be abridged, defeated or diminished; provided however, that in the event of such encumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat, or diminution of such estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax in respect of the amount or value of the encumbrance when taking effect or so much as will reduce the same to the amount which would have been assessed in respect to the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided in Section 8.

Return of proportionate amount when.

Interest determinable by death.

(7) INTEREST DETERMINABLE BY DEATH. Where any property shall, after the passage of this act, be transferred subject to any change, estate, or interest determinable by the death of any person or at any period ascertainable only by reference to death, the increase of benefit accruing to any person or corporation upon the extinction or determination of such charge, estate or interest shall be deemed a transfer of prop-

erty taxable under the provisions of this act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase of benefit from the person from whom the title to their respective estates or interests is derived.

(8) **TAX PAYABLE FORTHWITH ON CONTINGEMENT ESTATE.** When property is transferred in trust or otherwise, and the rights, interests, or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon such transfer at the lowest rate which, on the happening of any of said contingencies or conditions, would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith out of the property transferred; provided, however, that on the happening of any contingency or condition whereby the said property or any part thereof is transferred to a person or corporation, which under the provisions of this act is required to pay a tax at a higher rate than the tax imposed, then such transferee shall pay the difference between the tax imposed and the tax at the higher rate, and the amount of such increased tax shall be enforced and collected as provided in this act.

Tax payable
forthwith on
contingent
estate.

Exemption
when higher
tax imposed.

(9) **POSTPONED TAX ON UNDIMINISHED VALUE.** Estates in Expectancy which are contingent or defeasible, and in which proceedings for determination of the tax have not been taken, or where the taxation thereof has been held in abeyance, shall be appraised at their full undiminished clear value when the person entitled thereto shall come into the beneficial enjoyment or possession thereof without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation upon which said estates in expectancy may have been limited. Where an estate for life or for years can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

Postponed tax
on undiminished
value.

(10) **ORDER DETERMINING TAX, CONTENTS, NOTICE.** Upon the determination by the district court of the value of any estate which is taxable under the inheritance tax laws, and of the tax to which it is liable, an order shall be entered by the court determining the same, which order shall include a statement of (a) the date of death of the decedent, (b) the gross value

Order determin-
ing tax.

Contents.

of the real and personal property of such estate, stating the principal item thereof, (c) the deductions, therefrom allowed by the court, (d) the names and relationship of the persons entitled to receive the same, with the amount received by each, (e) the rates and amounts of inheritance tax for which each such person is liable, and the total amount of tax to be paid, (f) a statement of the amount of interest or penalty due, if any. Such order shall be substantially in the form prescribed by the State Board of Equalization. A copy of the same shall be delivered or mailed to the county treasurer, the state treasurer, the administrator or executor, and the State Board of Equalization, and no final judgment shall be entered in such estates until due proof is filed with the court that such copies have been so delivered or mailed, and receipts are filed in such court showing that payment of all such taxes, or proof is filed showing that the bond authorized by Section 8 has been given.

Copies filed where.

Judgment.

Rehearing.

(11) REHEARING WITHIN SIXTY DAYS. The attorney general, State Board of Equalization, public administrator, county attorney, or any person dissatisfied with the appraisement or assessment and determination of such tax may apply for a rehearing thereof before the district court within sixty days from the fixing, assessing, and determination of the tax by the district court as herein provided on filing a written notice which shall state the grounds of the application for a rehearing. The rehearing shall be upon the records, proceedings, and proofs had and taken on the hearing as herein provided unless additional or newly discovered evidence be alleged therefor, and a new trial shall not be had or granted unless specially ordered by the district court.

Reappraisal.

(12) REAPPRAISEMENT IN THE DISTRICT COURT WITHIN ONE YEAR. Within one year after the entry of an order or decree of the district court, determining the value of an estate and assessing the tax thereon, the attorney general or the State Board of Equalization may, if he (or they) believe that such appraisal, assessment, or determination has been erroneously, fraudulently or collusively made, make application to the district judge for a reappraisal thereof. The district court to whom such application is made may thereupon appoint a competent person to reappraise such estate. Such appraiser shall possess the powers,

Court may appoint appraiser.

Duties and compensation.

be subject to the duties, shall give the notice and receive the compensation provided by Sections 14 and 15 of this Act. Such compensation shall be payable by the county treasurer out of any funds he may have on account of any tax imposed under the provisions of this Act, upon the certificate of the district judge. The report of such appraiser shall be filed in the office of the clerk of the district court, and thereafter the same proceedings shall be taken and had by and before such district court as herein provided to be taken and had by and before the said court. The determination and assessment of such district court, shall supercede the former determination and assessment of such court, and shall be filed in the office of the county treasurer, state treasurer, and State Board of Equalization.

Report of
appraisal.

Determination.

Section 6. That Section 18 of Chapter 65 of the laws of the Eighteenth Legislative Assembly of the State of Montana, be amended by adding thereto an additional subdivision known as subdivision 6, and that such Section be amended and hereby is to read as follows:

“Section 18. STATE BOARD OF EQUALIZATION TO SUPERVISE INHERITANCE TAX. It shall be the duty of the State Board of Equalization to supervise the administration of, and to investigate and cause to be investigated the administration of the inheritance tax laws, and such particular estates to which the inheritance tax laws apply throughout the various counties of the state, and to cause to be made and filed in its office reports of such investigation together with specific information and facts as to particular estates that may seem to require special consideration and attention by the legal department of the state; but no information so acquired shall, in advance of legal action, be disclosed to anyone except proper officials and persons interested in such estate.

Board to super-
vise inheritance
tax.

(2) POWERS AND DUTIES OF THE BOARD. The State Board of Equalization in the conduct of inheritance tax affairs, shall have the same and similar powers and authority for gathering information and making investigations as is conferred by law on said board in the performance of its other duties. The said board shall biennially report to the governor and to the legislature at the opening of the sessions the general result of its labors and investigations in inheritance tax matters during the previous biennial period, together with

Powers and
duties of the
board.

Biennial report.

Board reports
in non-resident
estates.

specific reports of the several counties where the administration of the inheritance tax laws has been lax and unsatisfactory, with such recommendations for action thereon by the legislature as may be deemed advisable and proper.

(3) **POWERS AND DUTIES IN NONRESIDENT ESTATES.** The State Board of Equalization shall also gather information and make investigations and reports concerning the estates of nonresident decedents within the provisions of the inheritance tax laws, and shall especially investigate the probate and other records for such probable estates without the state and report thereon from time to time to the legal department of the state and to the proper district court for appropriate legal action, but no information so acquired shall, in advance of legal action, be disclosed to anyone except proper officials, and persons interested in such estate.

Duty of Legal
Department.

(4) **DUTY OF THE LEGAL DEPARTMENT.** It shall be the duty of the legal department of the state to carry out and enforce the recommendations and directions of the State Board of Equalization in all matters pertaining to the conduct of inheritance tax affairs; and in every estate in which the amount of inheritance tax collectible shall exceed or probably exceed the sum of one thousand dollars, there shall be no compounding, composition, or settlement of the taxes under the authority conferred by Section 20 or otherwise, until the State Board of Equalization shall have investigated such estate and made a report thereon, nor until the said board consents to such compounding, compromise, or settlement.

Forms and
blanks.

(5) **FORMS AND BLANKS.** The State Board of Equalization shall prescribe such forms and prepare such blanks as may be necessary in inheritance tax proceedings in the district courts of the state; and such blanks shall be printed at the expense of the state and furnished to the district court upon the request of the judge or clerk thereof.

Duties of Clerks
of District
Courts.

(6) **DUTIES OF CLERKS OF DISTRICT COURTS.** It shall be the duty of the Clerk of the District Court to furnish to the State Board of Equalization copies of such documents filed in connection with probate matters as said board may require.

Section 7. That Section 19 of Chapter 65 of the laws

of the Eighteenth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

“Section 19. QUARTERLY REPORTS OF COUNTY TREASURER; TAX TO BE PAID TO STATE. Each county treasurer shall make a report under oath to the state treasurer, on prior to the 5th days of January, April, July and October of each year, of all taxes received by him under the inheritance tax laws, up to the first day of each of said months, stating for what estate, by whom and when paid. Said report shall be made in duplicate, the original to be mailed to the state treasurer, and the duplicate to the State Board of Equalization. The form of such report may be prescribed by the State Treasurer. He shall at the same time pay the state treasurer all the taxes received by him under the inheritance tax laws and not previously paid into the state treasury, and for all such taxes collected by him and not paid into the state treasury within five days from the time herein required, he shall pay interest at the rate of ten per cent per annum.”

Quarterly reports
of County
Treasurer.

Payment of
taxes collected.

Interest on
unpaid amounts.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 151.

An Act to Authorize Boards of County Commissioners to Grant to Public Schools Any Property Acquired by the County Which May Be Useful or Available for School Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever any county of the State of Montana shall have acquired title to any real or personal property in any manner now provided by law and such property is suitable or useful for dormitory or gymnasium or school purposes to any public school located within the same city, town or school district where said property is situated, the Board of County Commissioners of said county may, upon request of the Board of Trustees of any such school district, lease said property to

Commissioners
power to lease
to school district.

such school district for school dormitory or gymnasium purposes for such rental as the said Board of County Commissioners may deem adequate and for such term of years, not exceeding four years, as the Board may see fit.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 152.

An Act to Authorize Boards of Trustees of County and District High Schools to Acquire Property for Dormitory or Gymnasium.

Be it enacted by the Legislative Assembly of the State of Montana:

Power of
Trustees to
acquire prop-
erty for dorm-
itory or gymna-
sium.

Section 1. The Board of Trustees of County and District High Schools shall have the power to purchase, or lease, sites, buildings or materials, and equipment for a dormitory and gymnasium, or either as they may deem proper and for the best interest of the school. They shall not, however, make any purchase, or enter into any contract, whereby obligations are assumed in excess of the amount of funds on hand, or available through the collection of taxes, either delinquent or for the current year, or the issuance of bonds.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 153.

An Act Requiring the Proper Cleansing and Return to Owners of Containers of Milk, Cream and Ice Cream, and Providing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every company, firm, corporation or person delivering milk, cream or ice cream to any other

company, firm, corporation or person, in cans or other vessels, shall have such cans or vessels at all times free from any deleterious substance, filth or rust, and in a clean and wholesome condition for containing such milk, cream or ice cream. Every company, firm, corporation or person receiving milk, cream or ice cream at the place of final destination in cans or vessels which are to be returned to the sender or seller, shall cause such cans or vessels to be thoroughly cleansed and immediately returned after being emptied. The term "final destination" as used in this Act shall include both the final consignee of any milk, cream or ice cream, and also any receiving station or other agent or handler by whom such milk, cream or ice cream is transferred from the original containers thereof.

Cleansing and
returning to
owners of
containers.

Section 2. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and be punished by a fine of not less than \$10.00 (ten dollars), nor more than \$50.00 (fifty dollars).

Penalties.

Section 3. This Act shall take effect and be in force from and after its passage by the Legislature and approval.

Approved March 12, 1925.

CHAPTER 154.

An Act to Repeal Section 10,589 of the Revised Codes of Montana of 1921, Relating to the Manner of Proving the Execution of a Writing.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10,589 of the Revised Codes of the State of Montana is hereby repealed.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 155.

An Act to Amend Section 3808, Revised Codes of Montana, 1921, by Extending the Time Within Which Action May Be Brought to Recover Excess Charges Made by Railroads on Intrastate Traffic; and Providing a Period of Time Within Which Railroads May Bring Suit for Recovery of Their Charges.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3808, Revised Codes of Montana, 1921, shall be and the same is hereby amended to read as follows:

“Section 3808. Actions to recover excess charges. Any sum or amount of money paid to any railroad by any person or shipper in excess of the rates, tolls, or charges fixed and established by the board for such service, may be recovered from such railroad by the person or shipper in any action instituted and maintained in the district court of the county in which such payment was made, provided such action shall be brought within three years from the date of such payment. No contract or agreement, written or otherwise, between such person or shipper and the said railroad, shall be admissible in evidence for the purpose of showing a waiver of the right given by this Section. No voluntary payment by any person or shipper of any such excess or overcharge to any railroad shall be, or held to be, a waiver on the part of such person or shippers of the right to sue and recover for such excess or overcharge, as provided for in this Section. If, upon the trial of such action, it shall satisfactorily appear to the court or jury that such overcharge was wilfully made, the person or shipper bringing the said action shall be awarded damages in treble the amount of such excess or overcharge, together with the costs and expenses of such action, including a reasonable attorney’s fee, to be taxed and collected as other costs in the action.”

Section 2. All actions at law by carriers subject to this Act for recovery of their charges, or any part thereof, shall be begun within three years from the time the cause of action accrues and not after.

Section 3. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 12, 1925.

Actions to
recover
excess charges.

Limitation.

Evidence show-
ing a waiver not
admissible.

Damages for
willful over-
charge.

Limitation on
actions by
carriers.

CHAPTER 156.

An Act to Amend Section 5251 of the Revised Codes of Montana of 1921, Relative to Certification of Special Assessments and the Collection of Special Assessments and Taxes for Special Improvements Within Incorporated Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5251 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 5251. It shall be the duty of the city or town treasurer of every city or town whose taxes for general, municipal and administrative purposes are certified to and collected by the county treasurer in accordance with the provisions of Section 5216 of this code, immediately after the second Monday of August of each year, and at the same time the copy of resolution determining the annual levy for general taxes is certified by the city or town clerk to the county clerk as required by said Section 5216, to certify to the county clerk of the county in which such city or town is situated all special assessments and taxes levied and assessed in accordance with any of the provisions of this Act, and the county treasurer must collect the same in the same manner and at the same time as said taxes for general, municipal and administrative purposes are collected by him.

Certification of special assessments within incorporated cities or towns.

In every city or town which shall provide by ordinance for the collection of its taxes for general, municipal and administrative purposes by its city or town treasurer, such city or town treasurer shall collect all special assessments and taxes levied and assessed in accordance with any of the provisions of this Act, in the same manner and at the same time as said taxes for general, municipal and administrative purposes are collected by him; and all of the provisions of Section 5215 of this code shall apply to the collection of such special taxes and assessments in the same manner as such provisions apply to the collection of other city or town taxes. When one payment becomes delinquent all payments shall, at the option of the city or town council, by appropriate resolutions duly adopted become delinquent, and the whole property shall be sold the same as other property is sold for taxes.”

Collection of special assessments and taxes for special improvements.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 157.

An Act to Amend Section 4774 of Chapter 26, Volume I, Revised Codes of Montana, 1921, Relating to the Duties of Sheriff.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4774, of Chapter 26, Volume I, Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

“Section 4774. DUTIES OF SHERIFF. The sheriff must:

Duties of
Sheriff.

1. Preserve the peace.
2. Arrest and take before the nearest magistrate, for examination, all persons who attempt to commit or have committed a public offense;
3. Prevent and suppress all affrays, breaches of the peace, riots, and insurrections which may come to his knowledge;
4. Perform duties of humane officer within his county with reference to the protection of dumb animals;
5. Attend all courts, except justices and police courts, at their respective terms or sessions held within his county, and obey their lawful orders and directions.
6. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties;
7. Take charge of and keep the county jail and the prisoners therein;
8. Indorse upon all notices and process the year, month, day, hour, and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time or reception;

9. Serve all process or notices in the manner prescribed by law;

10. Certify under his hand upon the process of notices the manner and time of service, or, if he fails to make service, the reasons of his failure, and return the same without delay."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 12, 1925.

CHAPTER 158.

An Act Requiring the Attorney General of the State of Montana to Prescribe Certain Blank Forms to Be Used by the Clerks of the District Courts in Issuing Commitment to State Institutions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall, from and after the passage and approval of this Act, be the duty of the attorney general of the State of Montana to prescribe the form of blanks to be used by the clerks of the district courts in issuing commitments to the several state institutions, admission to which requires a court commitment.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 159.

An Act to Amend Section 663 of the Revised Codes of Montana of 1921 Relating to the Selection of a National Committeeman and Committeewoman by Political Parties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 663 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 663. The State Central Committee of each

Selection of
Committee
man and
woman.

Filing.

Report to
convention.

Duties.

When.

political party in the State of Montana shall select one National Committeeman and one National Committeewoman. The chairman of the State Central Committee shall at once file with the National Committee the names of the National Committeeman and National Committeewoman so selected, and it shall be the duty of the chairman of the delegation to the National Convention of each political party to report to the National Convention the names of the persons so selected to be the National Committeeman and the National Committeewoman of his political party for the State of Montana. Said Committeeman and Committeewoman shall represent said political party as members of the National Committee of said party and shall be selected in each year in which a President and Vice-President of the United States are elected, and such selection shall be made prior to the meeting of the National Conventions of the respective political parties. The National Committeeman and Committeewoman shall hold office for a term of four years.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 160.

An Act to Establish the Eastern Montana State Normal School; Defining Its Objects; Designating the Manner of Its Location; Providing for the Control, Supervision and Management Thereof, Amending Section 841 of the Revised Codes of Montana 1921, So as to Place the Institution Under the Control of the State Board of Education, Providing for a Commission to Select a Site and Location for the Said School.

Be it enacted by the Legislative Assembly of the State of Montana:

Eastern State
Normal School.

Section 1. That there be, and is hereby established, subject to the approval of the State Board of Education, a State Normal school to be located within the State of Montana, East of the 110th Meridian, at a place to be designated by the State Board of Education as herein provided, the said school to be known as the Eastern Montana State Normal School.

Section 2. The objects and purposes of said Normal School shall be primarily for the instruction and training of teachers for the public schools of the State of Montana.

Objects and purposes.

Section 3. The control and management of the said Eastern Montana State Normal School shall be vested in the State Board of Education and in local executive board, which shall be appointed and constituted as provided by Section 842 of the Revised Codes of Montana, 1921.

Control and management.

Section 4. That Section 841 of the Revised Codes of Montana 1921, be and the same is hereby amended to read as follows:

“Section 841. General Control of State Institutions. The general control and supervision of the State University, State Normal College, College of Agriculture and Mechanic Arts of Montana, the Eastern State Normal School, State Orphans Home, State Industrial School, and the State Vocational School for Girls are vested in the State Board of Education.”

General control of State Institutions.

Section 5. The State Board of Education is hereby authorized to accept, for and on behalf of said Eastern Montana State Normal School any donations of lands and any other gifts, grants or donations for the use and benefit of said Eastern Montana State Normal School.

Power to accept grants and donations.

Section 6. The location and site for the Eastern Montana State Normal School shall be selected by the State Board of Education, or at its option, by a Normal School commission to consist of three members to be appointed by the State Board of Education, and if by such commission, it shall be composed of heads of educational institutions outside of the State of Montana and the expenses of said commission shall be borne by the city or town where said Normal School is located.

Normal School Commission to pick site.

Section 7. The State Board of Education, at its regular quarterly meeting in July, 1926, shall decide whether the designation of the said Normal School shall be made by the State Board of Education or by the Normal School Commission. If by such commission, the State Board of Education shall at said meeting, select the Normal School Commission. The State Board of Education or the said commission shall designate such location of said Normal School and select a suitable site by the first day

Decision of Board of Education.

Meeting.

City or town
to deed prop-
erty for site.

of September, 1926. The city or town decided upon as the location for the said Eastern Montana State Normal School shall within six months deed to the State of Montana, free of all cost, the site selected by said commission; provided that any action taken by said Commission above provided for, shall be subject to review by the State Board of Education with the right in said Board to accept or reject any action of said Commission either in part or in toto.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 161.

An Act to Amend Section 3685 of the Revised Codes of Montana of 1921, as Amended by Section 4, of Chapter 77 of the Laws of the Eighteenth Legislative Assembly of Montana of 1923, Relating to Fish and Game Licenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3685 of the Revised Codes of Montana as amended by Section 4 of Chapter 77 of the Laws of the Eighteenth Legislative Assembly of the State of Montana of 1923, be and the same is hereby amended to read as follows:

“Section 3685. Fees and Powers Under Licenses. Said applicant, if a resident of the State of Montana and a citizen of the United States shall pay to the officer or person countersigning and issuing the license the sum of Two Dollars (\$2.00), as a license fee, and shall obtain a license of Class A, which shall entitle the holder to hunt, kill, capture, take and possess game, game birds, and animals and to fish with hook and line as authorized by this Act.

License fees.

Class A
license.

Resident
citizens
defined.

All citizens of the United States who have lived in this State for at least six months, immediately preceding their application for a license, or officers and soldiers of the United States Army shall be deemed resident citizens for the purposes of this section, as well

as all officers of the Forest Service and of the Biological Survey of the United States Department of Agriculture.

Said applicant, if a non-resident of the State, or a resident for less than six (6) months, immediately preceding his application for a license, and a citizen of the United States, shall pay to the officer countersigning and issuing the license, the sum of Thirty Dollars (\$30.00), as a license fee and shall obtain a license of Class B, which shall entitle him to hunt, kill, capture, take and possess game, game birds and animals, and to fish with hook and line as authorized by this Act; and such non-resident, on like application and on the payment of the sum of Ten Dollars (\$10.00) as a license fee, and shall obtain a Class C license, which shall entitle him to hunt and kill game birds and small game and to fish with hook and line as authorized by this Act; and such non-resident on like application and on the payment of the sum of Three Dollars and Fifty Cents (\$3.50), as a license fee, and shall obtain a Class D License, which shall entitle the holder to fish with hook and line as authorized by this Act.

Non-residents
license.

Class B
license.

Class C
license.

Class D
license.

Said applicant if an alien, resident or non-resident, shall pay to the officer countersigning and issuing the license the sum of Fifty Dollars (\$50.00) as a license fee, and shall obtain a Class E license, which shall authorize him to hunt, capture, kill, take and possess game, game birds and game animals, and to fish with hook and line as authorized by this Act; such alien, on the payment of the sum of Ten Dollars (\$10.00) as a license fee, and shall obtain a Class F license, which shall entitle him to fish with hook and line as authorized by this Act; provided, however, that any person in possession of first citizenship papers shall not be considered a resident of the State of Montana, for the purposes of this Act. All money collected for licenses sold, shall be remitted by the State Game Warden to the State Treasurer to be credited to the Fish and Game Fund.

Class E
license.

Class F
license.

Disposal of
license fees.

The applicant for a Class G license, or trappers license, must be the owner and in the possession of a Class A license, and upon the payment of the sum of Ten Dollars (\$10.00), to the officer to whom the application for a Class G license is made shall receive and obtain a Class G or trappers license which shall authorize the holder thereof to trap fur-bearing animals within the State at

Class G
license for
trappers.

such times and in such manner as may be lawful so to do by the laws of this State, and the regulations of the Fish and Game Commission, and at such places as may be designated in said license.

Fund for
predatory
animals.

Bounty fund.

Matched by
tax on live
stock.

Remainder.

Penalty for
violation.

Twenty five cents (25c) out of every fishing and hunting license fee collected shall be set aside as a fund to be used by the Fish and Game Commission for the destruction of predatory animals. The sum of Seven Thousand Five Hundred Dollars (\$7,500.00) of said fund shall be transferred therefrom on or before January first of each year to the Bounty Fund of the state, to be used to pay bounties on predatory animals, as provided by law. The said sum of Seven Thousand Five Hundred Dollars (\$7,500.00) shall be matched with a like sum of the said Bounty Fund money derived from the tax on live stock now provided by law. Said total sum of Fifteen Thousand Dollars (\$15,000.00) or such part thereof as may be necessary, shall be expended for payment of bounties on predatory animals. In the event that there should be any unexpended portion of said Fifteen Thousand Dollars (\$15,000.00) at the close of the bounty paying season of any year, fifty per cent of such unexpended balance shall be re-transferred to the fund for the destruction of predatory animals created herein. Nothing herein contained shall be so construed as to prevent the Live Stock Commission from expending from the Bounty Fund any part thereof in excess of Fifteen Thousand Dollars (\$15,000.00) which may be necessary for the purpose of paying bounties.

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 162.

An Act Enacting, Adding to and Inserting in Chapter 121 Session Laws of the Eighteenth Legislative Assembly of the State of Montana, Relating to Merging of the Corporate Existence and Government of Any County in the State and of All the Cities and Towns Situated Therein Into One Municipal Corporation and Government, a New Section to Be Designated Section 57A, to Provide for Levy of Special Taxes in Specially Created Districts Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby enacted and added to and inserted in chapter 121 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana, a new section, to be numbered, known and designated as Section 57A, as follows:

“Section 57A. The Commission may by ordinance designate clearly specified districts in or for which special services are to be performed and may levy upon the property in any such district such tax, in addition to any taxes authorized by Section 55 of this Act as may be necessary to pay the cost of such special service or services. Any such additional tax levied under the authority of this Section upon the property within any district shall not exceed fifteen mills unless the question of levying a higher rate for a specified year or years shall have been submitted to the electors of the district and approved by a majority of those voting therein; but in no case shall such additional levy be more than twenty mills.”

Specified
Districts.

Amount of tax.

Section 2. This Act shall be in full force and effect after its passage and approval.

Approved March 12, 1925.

CHAPTER 163.

An Act to Amend Section 5238 of the Revised Codes of Montana of 1921 Relating to Special Improvements by Omitting from Said Section the Provisions Thereof Requiring Railways and Street Railways to Pay a Part of the Cost of Paving and by Inserting, in Lieu, a Provision Requiring Railways and Street Railways Using or Occupying Paved Streets to Repair All Damage to Such Streets Caused by Them.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section numbered 5238 of the Revised Codes of Montana of 1921, be, and said section is hereby amended so as to read as follows:

Methods for
payment of
improvements.

“Section 5238. Methods for payment of improvements. To defray the cost of the making of any of the improvements provided for in this act, the city council shall adopt one of the two following methods of assessment:

City Council to
assess.

(a) The city council shall assess the entire cost of such improvements against the entire district, each lot or parcel of land within such district to be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys, and public places; provided, however, that the city council, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue, or alley intersections out of any funds in its hands, available for that purpose, or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district. In order to apportion the cost of any of the improvements herein provided for between the corner lot and the inside lots of any block, the council may, in the resolution creating any improvement district, provide that whenever any of the improvements herein provided for shall be along any side street, or bordering or abutting upon the side of any corner lot of any block, that the amount of the assessment against the property in such district, to defray the cost of such improvements, shall be so assessed that each square foot of the land, embraced within any such corner lot, shall bear double the amount of the cost of such improvement, that a square foot of any inside lot shall bear.

Along any
side street or
upon the side of
any corner lot.

(b) The city council shall assess the cost of such improvements against the entire district, each lot or parcel of land within such district, bordering or abutting upon street or streets whereon or wherein the improvement has been made, in proportion to the lineal feet abutting or bordering the same; provided, however, that this method of assessment shall not apply to assessments in improvement districts created under the provisions of section 5228 of this code; and provided, further, that the city council, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue, or alley intersections out of any funds in its hands, available for that purpose, or to include the whole or any part of such costs within the amount of the assessment to be paid by the property in the district.

Assess entire district.

Whenever any portion of the surface of a paved street is occupied or used for railway or street railway purposes, it shall be and continue to be the duty of the owner or operator of such railway or street railway to fully repair any injury or damage to such pavement caused by such railway or street railway either in the operation of its cars or in the laying or repair of its tracks, and in case of a failure or refusal of such owner or operator so to repair such pavement within a reasonable time after notice by the city council, the city council is authorized and empowered to cause such repairs to be made and to assess the cost thereof to such owner or operator and to enforce collection thereof as in the case of taxes.

Streets occupied by railroads.

Whenever any lot, piece or parcel of land belonging to the United States, or mandatory of the government, shall front upon the proposed work or improvement, or be included within the district declared by the city council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said council shall, in the resolution of intention, declare that said lots pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement, and the cost of said work or improvement in front of said lots, pieces or parcels of land shall be paid by the city from its general fund.

Land belonging to United States.

It shall be lawful for the owner or owners of lots or land fronting upon any street, the width and grade of which shall have been established by the city council,

Owners may do work at own expense.

Certificate of Engineer.

Recorded.

Bids and contracts.

Credit.

Proviso.

Proviso.

to perform, at his or their own expense (after obtaining permission from the council so to do, but before said council has passed its resolution of intention to order grading exclusive of this), any grading upon said street, to its full width, or to the center line thereof and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in such grading, and proportions performed by each owner, and that the same is done to established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the city engineer, which certificate the engineer shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners and his or their successors in interest shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said street for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; provided, however, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the city clerk shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and land owned respectively, by said certified owners and their successors in interest; provided, however, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and

lands fronting upon said street, and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work (excepting grading) on such street, in front of any block, at his or their own expense, and the city council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done; provided, that the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the city engineer at the time said order is passed.

Work done by
owners excepted
from order.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 164.

An Act to Amend Section 1749 of the Revised Codes of Montana 1921, Relating to Moving Heavy Machinery or Loads Along Highways or Over Bridges.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1749 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

“Section 1749. All persons owning, controlling, operating or managing threshing machines, steam engines, saw mills, or any heavy loads whatever kind or nature, are required in moving the same over public highways, to lay down planks, not less than one foot side, three inches in thickness, and of sufficient length on the floors of all bridges and culverts situated on the public highways, while crossing the same, for the wheels of said threshing machines, steam engines, saw mills, or other vehicles carrying heavy loads of any kind to run on; provided, that this section shall not apply to any threshing machines, saw mill, steam engine, or other vehicle carrying heavy loads not exceeding six tons in weight;

Moving
machines on
highways.

Proviso.

Proviso.

provided further, that owners and operators of trucks carrying a net load over and above the weight of the truck itself of more than six tons, are hereby made personally liable for breakage or damage done to bridges or culverts, when same have not been planked in accordance with the provisions of this Section."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after July 1, 1925.

Approved March 12, 1925.

CHAPTER 165.

An Act Giving Authority to the Commissioner of Agriculture, Labor and Industry to Revoke the Licenses of Operators of the Babcock Test for Failure to Comply with the Laws of the State of Montana or the Regulations of the State Department of Agriculture, Labor and Industry Relating to Said Test.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Commissioner of Agriculture, Labor and Industry is hereby authorized and empowered to revoke the license of any person licensed to make a Babcock Test of milk or cream under the laws of the State of Montana, who shall fail to fully comply with the provisions of said law or with any of the rules and regulations of the Department of Agriculture, Labor and Industry relating to said Babcock Test.

Section 2. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 166.

An Act Relating to the Keeping of Samples of Milk and Cream for Inspection by the Commissioner of Agriculture, Labor and Industry, or His Authorized Agent in Places Where Milk or Cream Is Tested by the Babcock Test.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All persons, firms or corporations in the

Revoking of
license to
make Babcock
test.

State of Montana purchasing milk or cream for manufacture, sale or shipment, and paying for the same on the basis of the butterfat contained therein, as determined by the Babcock test, shall take or cause to be taken in such places where the said milk or cream is purchased or tested, a representative sample of all such milk or cream, and if any be left on hand after a shipment is made, a representative sample of this shall likewise be taken. Such sample shall be not less than two ounces avoirdupois in weight and shall be immediately transferred to a clean and dry sample jar and properly sealed to prevent evaporation and the escape of any of the contents thereof. All samples of milk or cream so taken shall be plainly marked or labeled and such mark or label shall be entered upon the records of the purchaser to correspond with the name of the person, or persons, from whom such purchase was made, together with the weight of the milk or cream, if any, which is left on hand after shipment is made. Said samples shall then be protected from extremes of heat and cold and held until 5:00 P. M. of the following day, except that all such samples taken on a day preceding a holiday shall be held until 5:00 P. M. of the next day following such holiday. During the period above mentioned that said samples are held, they shall be opened only in the presence of the Commissioner of Agriculture, Labor and Industry or his authorized agent.

Representative samples.

What constitute.

Marked or labeled.

Protected from heat and cold.

Kept, how long.

How opened.

Section 2. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 167.

An Act to Provide for a Commission to Be Known as the Centralized Accounting System Commission; Providing for Their Duties, Powers and Making Appropriation for Per Diem and Expenses of Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created and established an Accounting System Committee to be known as the Centralized Accounting System Commission of Montana; that said Committee shall consist of the State Auditor of the State of Montana, the State Accountant of the State of Montana, and the State Examiner of the State

Centralized Accounting System Commission.

of Montana, all of whom shall be ex-officio members of the said Commission.

Chairman.

Section 2. The members of said Commission shall without delay meet at the State Capitol and shall organize and elect one of their members as chairman.

Purpose.

Section 3. The Commission shall determine the possibility and advisability of developing a system of accounting to be applied to the financial records of the State that shall be centralized in one department at the State Capitol, and which centralized system is to replace, or as far as possible replace, all such accounting as it is now conducted at each of the Departments and Institutions of the State. If, upon complete investigation, the Commission shall deem that it is both possible and advisable that such Centralized Accounting System be applied, they shall proceed to develop such a system as they deem most suitable and efficient and which will disclose complete, continual and up to date information on the conditions of all matters pertaining to the physical property owned by the State and to the financial operations of and under the administration of the State.

Development of system.

Report when and to whom.

Section 4. The Commission shall complete its work by July 1st, 1926, and make report on or before that date to the Governor and such report shall be preserved by him and submitted to the Twentieth Legislative Assembly for consideration. The term of office of the Commission shall expire July 1st, 1926.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 168.

An Act to Amend Section 1938 of the Revised Codes of Montana, 1921, as Amended by Chapter 94 of the Session Laws of 1923, Relating to the Foreclosure of and Acquiring Title by Quit Claim Deeds to Lands Mortgaged to the State, and the Sale of Such Lands, Providing for the Resale Thereof to the Original Mortgagors, Their Heirs, Assigns, and Parties of Record, for the Sale of Such Lands by Sealed Bids, or at Private Sale Thereafter if No Bids Are Submitted, on the Amortization Plan, for Crop Lease of Abandoned

Mortgaged Farms, for the Release of Seed Liens by County Commissioners When Requested, for the Remitting of Penalties When State Pays Delinquent Taxes in Certain Cases and Directing County Attorney to Represent State in Matters Relating to State Land Office.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1938 of the Revised Codes of Montana of 1921, as amended by Chapter 94 of the Session Laws of 1923, be and the same is hereby amended to read as follows:

"Section 1938. In case of default in any of the conditions of any mortgage taken as security for any loan made from any of such funds, by reason of which the right to foreclose the same shall accrue to the state, the State Board of Land Commissioners shall notify the Attorney General of such default, and the Attorney General shall, in the name and in behalf of the State, foreclose such mortgage by action in the manner provided by law for the foreclosure of mortgages upon real estate. If no other person shall bid the full amount due upon said mortgage, upon such foreclosure sale, with the costs and expenses of foreclosure sale, together with all unpaid taxes thereon and together with interest thereon from the date of judgment and decree, as allowed the state for the amount due, and all costs and expenses incurred and if the same is not redeemed, as provided by law, the sheriff's deed shall be made to the State of Montana and the said lands thereafter shall be subject to sale and disposal by first advertising the property to be sold for two consecutive weeks, in a newspaper nearest to the land, by giving description of the land, amount for which the property must be sold, terms of sale; sealed bids to be addressed to the Register of State Lands, at Helena, Montana, for thirty days after the date of the last publication of the notice. The highest bidder shall be awarded the Contract of Sale. All bids must be accompanied by a draft covering the initial payment provided by this section. Any foreclosed lands advertised for sale on which no bids have been received within the thirty day period may be sold by the Register of State Lands at private sale, but in no case shall such lands be sold for a less sum than the state has invested in the loan, including all costs and interest to date of the sale; provided, however, that said mortgaged lands

Foreclosure
of State Land
Loan Mortgages.

When deed to
State of Mon-
tana.

Contract of sale.

When no
bids received.

may be resold to the original mortgagor, his heirs, assigns, legatees, or any party record, or defendants to said foreclosure proceedings, in the manner following: Upon written application to repurchase said lands made by the original mortgagor, his heirs, assigns, legatees, or all parties interested of record, to the State Board of Land Commissioners, filed within one year and ninety days from the date of the purchase of the property at sheriff's sale by the State, or from the date of the transfer of the title to the State by other conveyances, accompanied with a payment of ten per cent (10%) of the total amount the State has invested in the loan at the date of the repurchase of the land, the said Board of Land Commissioners may enter into a contract with such original mortgagor, his heirs, assigns, legatees, or any party interested of record, by which the balance of said sum shall be paid on the amortization plan during a period not exceeding thirty-three (33) years, from the date of the execution of the contract. Land not redeemed may be purchased under the amortization plan which is hereby meant the plan or payment defined in Section 1928 of the Revised Codes of Montana of 1921, as amended by the Eighteenth Legislative Assembly. Payment may be made in full at any time before maturity, together with interest on all deferred payments at the rate of five per cent (5%) per annum to be paid annually, and conditioned that upon the faithful performance of said contract by said purchaser, his heirs, legatees, or assigns, the title to said land, as acquired under the mortgage, or by other conveyances, will be reconveyed to the said purchaser, heirs, legatees or assigns. Such application shall take precedence over any application to purchase said lands by any person other than said original mortgagor, his heirs or legatee, assigns or all parties interested of record. All money received from the sale of said lands shall be deposited in the office of the State Treasurer, such money to be applied first to the payment of delinquent interest due on the loan at the time of repurchasing the property and there after to be credited to the different funds as apportioned by the amortization mortgages or contracts."

Procedure to purchase.

Contracts with mortgagors for balance of contract.

Purchase of unredeemed land.

Interest rate.

Preference of application.

Disposal of money.

Remission of delinquent tax penalties.

Section 2. That where the State Board of Land Commissioners find it necessary to pay delinquent taxes upon any land upon which loans have been made under the provisions of Section 1926 to 1948, Revised Codes of

Montana of 1921, inclusive, all penalties imposed for non-payment of taxes shall be remitted.

Section 3. The Board of County Commissioners in their respective counties are hereby empowered and directed to release and satisfy of record, any seed loan mortgage, drouth relief lien, or other similar instrument standing on the County Record as a second mortgage or lien, against lands on which the State holds first mortgages whenever the Attorney General shall request such cloud to be removed and cancelled.

Removal of clouds on title.

Section 4. Whenever the mortgagor abandons the property on which the State has made a farm loan by removing from the premises, when interest or taxes are delinquent for more than two years past, then it shall be the duty of the Register of State Lands to put some person in charge of such property, with the end in view of protecting the buildings and fences, and shall be authorized to lease the farm for a share of the crop, which when converted into money shall be applied on the payment of delinquent interest, then on delinquent taxes, and any balance remaining to be applied on the principal obligation. The Register of State Lands shall immediately notify the Attorney General of the abandonment of the premises by the mortgagor and he shall immediately bring foreclosure proceedings to protect the interest of the State. Any farm property, the title to which rests in the State, and when the original mortgagor, his assigns, heirs, legatee, or defendants in foreclosure proceedings, second lien holders, and other parties of record, have not repurchased same within the year and ninety days from date of foreclosure sale, the Register is authorized to lease for the crop season such farms and take a share of the crop and apply the proceeds on the original obligation but such farm property must be sold at the first opportunity.

When mortgagor abandons property.

Person in charge.

Lease on shares.

Notice of abandonment.

Land not repurchased.

Register may lease.

Section 5. When requested by the Attorney General the County Attorney of each County shall represent the State in all foreclosure proceedings, collection delinquent rentals, trespass action on State Lands and in all other State Land matters that may arise in his county.

County Attorney to represent State.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 169.

An Act to Provide for the Lowering of Special School District Levies and to Fix the Maximum Special District Levy Which May Be Determined by School Trustees of Any District at Six (6) Mills on Each Dollar of Valuation and the Maximum Special District Levy Which May Be Determined by a Vote of the Taxpayers at Twenty (20) Mills on Each Dollar of Valuation and That in Counties in Which All Third Class Districts Operate as One Rural School District the County Board of School Trustees Shall Not Be Empowered to Fix a Levy in Excess of Eighteen (18) Mills, in Case the Referendum Measure Providing for a Five (5) Mill State Levy for the Maintenance of the Public Elementary and High Schools of the State of Montana Carries at the Next General or Special Election When That Question May Be Submitted to the Qualified Electors of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Beginning July 1, 1927, in case the referendum measure providing for a five (5) mill state levy for the maintenance of the public elementary and high schools of the state of Montana has been successful in the special or general election at which that question shall have been submitted to the electors of Montana, no trustees may fix a special levy for maintenance in excess of six (6) mills on each dollar of taxable valuation of school district property without submitting the question to a vote of the taxpayers of such district, and that the taxpayers of the district may not establish a levy by vote of the taxpayers in excess of twenty (20) mills on each dollar of taxable valuation of property within the district, and in no county where all third class districts are administered as one rural school district may county boards of trustees fix the special levy in excess of eighteen (18) mills.

Limit on levy.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

CHAPTER 170.

An Act to Provide for an Increase in the Rate of Taxation on Real and Personal Property for State Purposes Five (5) Mills on Each Dollar of Valuation for a Period of Twenty Years Beginning with the Year 1927, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of Not Exceeding Eight and One-half (8½) Mills on Each Dollar of Valuation and to Appropriate the Money Derived from Five (5) Mills of Such Levy for Each Year During Such Period for the Maintenance of the Public Elementary and High Schools of the State of Montana, and to Provide for Submitting to the Qualified Electors of the State of Montana at the Next General or Special Election the Question of the Fixing of Such Levy and to Prescribe the Form of Ballots to Be Used and the Duties of the Secretary of State Relative to the Submission of Said Question to the Qualified Electors of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the rate of taxation on real and personal property for state purposes for each year for a period of twenty (20) years, beginning with the year 1927, shall be increased five (5) mills on each dollar of taxable valuation, and the Legislative Assembly is authorized and empowered to levy a tax for state purposes for each of said years of not exceeding eight and one-half (8½) mills on each dollar of taxable valuation for state purposes, and all money derived from five (5) mills of such levy for each of such years shall be appropriated by the Legislative Assembly for the maintenance of the public elementary and high schools of the state.

Rate of
Taxation.

Section 2. This Act shall be submitted to the people of the state of Montana for their approval or rejection at the next election, held in the state of Montana, whether such general election be a special election or the general election provided by law in accord with Article V, Section 1 of the Constitution of the state of Montana. Separate ballots shall be used at such special or general election which shall have printed thereon the title of this Act and the words:

Submission to
people for
approval or
rejection.

Separate
ballots.



“For the Referendum Measure No.....

Providing for five (5) mills state levy for the maintenance of the public elementary and high schools of the state.

nance of the public elementary and high schools of the state of Montana."



"Against the Referendum Measure No.

How canvassed
and determined.

.....Providing for five (5) mills state levy for the maintenance of the public elementary and high schools of the state of Montana," and each of the electors shall designate a preference for either of the provisions by making an X before the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be canvassed and determined as provided by the general election laws of the state of Montana.

Section 3. This Act shall be in full force and effect from and after its passage; provided the same shall be ratified by a majority vote of the electors of the state of Montana voting at the next election, whether general or special, held in the state of Montana.

Approved March 12, 1925.

CHAPTER 171.

An Act to Amend Sections 3156, 3157, 3158, 3159, 3161, 3165, 3166 and 3167 of the Revised Codes of the State of Montana of 1921, Relating to the Regulation of the Practice of Optometry and to Prevent Ignorant, Unprofessional or Incompetent Persons from Practicing Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3156 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 3156. It shall be unlawful for any person:

Subdivision 1. To practice optometry in the State of Montana unless he shall first have obtained a certificate of registration, in the manner hereinafter provided, and filed the same or a certified copy thereof with the County Clerk of the County of his residence, excepting such persons who at the present time are regularly registered optometrists and possess a valid, unrevoked certificate of registration; or

Certificate of
registration.

Sell or barter
certificate.

Subdivision 2. To sell or barter, or offer to sell or

barter any certificate of registration issued by the State Board of Optometry; or

Subdivision 3. To purchase or procure by barter any such certificate of registration with intent to use the same as evidence of the holder's qualification to practice Optometry; or

Purchase
certificate.

Subdivision 4. To alter with fraudulent intent in any material regard such certificate of registration; or

To alter.

Subdivision 5. To use or attempt to use any such certificate of registration which has been purchased, fraudulently issued, counterfeited or materially altered as a valid certificate of registration; or

Use of
certificate.

Subdivision 6. To practice Optometry under a false or assumed name; or

False or
assumed name.

Subdivision 7. To wilfully make any false statement in a material regard in an application for an examination before the State Board of Optometry or for a certificate of registration; or

False statement.

Subdivision 8. To advertise by displaying a sign or by otherwise holding himself out to be an Optometrist or Optician without having at the time of so doing a valid unrevoked certificate of registration; or

Advertising.

Subdivision 9. To replace or duplicate ophthalmic lenses with or without a prescription or to dispense ophthalmic lenses from prescriptions, without having at the time of so doing a valid, unrevoked certificate of registration as an Optometrist; provided, however, that the provisions hereof shall not be construed so as to prevent an optical mechanic from doing the merely mechanical work upon such lenses; or

Ophthalmic
lenses.

Subdivision 10. To take or make any measurements for the purpose of fitting or adapting ophthalmic lenses to the human eye, without having at the time of so doing a valid, unrevoked certificate of registration; and any person who shall take or make any measurements or use any mechanical device whatsoever for such purpose or who shall in the sale of spectacles or eye glasses or lenses use, in the testing of the eyes therefor, lenses other than the lenses actually sold, shall be deemed to be practicing Optometry within the meaning thereof."

Measurements.

Section 2. That Section 3157 of the Revised Codes of

the State of Montana of 1921 be and the same is hereby amended to read as follows:

Montana State
Board of
Examiners in
Optometry.

Who and how
appointed.

Term.

Present
members.

Oath.

Vacancy.

“Section 3157. A Board is hereby created to be known as the Montana State Board of Examiners in Optometry which shall consist of three members appointed by the Governor. No person shall be eligible to appointment who is not a registered Optometrist of the State of Montana and actually engaged in the practice of Optometry in the State of Montana during the term of his office. Each of the members shall hold office for a term of six years or until his successor is appointed and qualified and shall be so classified that one member of said board shall retire every two years. The present members of the Montana State Board of Examiners in Optometry shall continue to serve and act as members of the State Board of Optometry, but under the provisions of this Act, during their respective terms or until their successors are appointed and qualified. The members of said Board, before entering upon their duties, shall respectively take and subscribe to the oath required to be taken by other state officers, which shall be administered by the Secretary of State, and filed in his office; and said Board shall have a common seal. Appointments to fill vacancies caused by death, resignation or removal shall be made for the residue of such term by the Governor.”

Section 3. That Section 3158 of the Revised Codes of the State of Montana of 1921 be and the same is hereby amended to read as follows:

President and
Secretary, duties.

Meeting.

“Section 3158. Said Board shall choose at its first regular meeting, and annually thereafter, one of its members president and one secretary thereof, who severally shall have the power during their term of office to administer oaths and take affidavits, certifying thereto under their hands and the seal of the Board. Said Board shall meet at least once in each year at Helena or some other place designated by the President, on the fourth Monday of June for the purpose of giving examinations in Optometry, and in addition thereto, whenever and wherever the president and secretary thereof shall call a meeting. The secretary of said Board shall keep a full record of the proceedings of said Board, which records shall at all reasonable times be open to public inspection.”

Section 4. That Section 3159 of the Revised Codes of

the State of Montana of 1921 be and the same is hereby amended to read as follows:

“Section 3159.

Subdivision 1. Every person, before beginning to practice Optometry in this State shall pass an examination before said Board of Examiners. All examinations shall be practical in character and designated to ascertain the applicant's fitness to practice the profession of Optometry and shall be conducted in the English language. The Board shall, from time to time, publish and distribute the examination requirements for a certificate to practice Optometry in the State of Montana.

Examination.

Subdivision 2. No person shall be eligible to take said examination who is not 21 years of age, and who is not a citizen of the United States of America, and who is not of good moral character.

Those eligible.

Subdivision 3. On and after July 1st, 1925; no person shall be eligible to take said examination unless he shall have certificates of graduation from an accredited high school and from a school of Optometry wherein the practice and science of Optometry is taught in a course of study covering four semesters, or two years, of actual attendance. In lieu of said certificates of graduation an applicant for examination may, with like effect, furnish an affidavit that he has practiced Optometry exclusively for a period of at least six years in some other state or states.

Certificates of graduation.

Subdivision 4. Every person desiring to be examined in Optometry shall file an application in the manner prescribed by said Board at least four weeks before the examination shall be held, and a fee of twenty-five dollars (\$25.00) shall accompany said application.

Application and fee.

Subdivision 5. Every person successfully passing said examination shall be registered in the Board Register, which shall be kept by the secretary of said Board, and upon the payment of a fee of ten dollars (\$10.00) shall receive a certificate of registration signed by the members of said Board.

Certificate of registration.

Subdivision 6. In case an applicant for a certificate of registration has been admitted to practice Optometry in any state, and has secured an average of seventy-five (75) per cent in his examination in such other state, he may, in the discretion of the said Board, be granted a

Examination in another state.

certificate to practice his profession in Montana, without examination, upon his payment of all fees, provided the state from which said applicant comes offers equal privileges to applicants for certificates of registration from this state.

Section 41½. That Section 3161 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Renewal of
registration.

“Section 3161. Every registered Optometrist who desires to continue the practice of Optometry in this state shall annually on or before the second day of July of each year pay to the secretary of said Board a renewal fee not to exceed the sum of Ten Dollars (\$10.00) in return for which a renewal of registration shall be issued. If any person shall fail or neglect to procure his annual renewal of registration, his certificate of registration shall be revoked by said Board; provided, however, that no certificate of registration shall be revoked without ninety days notice having been given to the delinquent, who within such period shall have the right to the renewal of his certificate of registration on the payment of the renewal fee with a penalty of Twenty Five Dollars (\$25.00).”

Revocation and
notice.

Penalty.

Section 5. That Section 3165 of the Revised Codes of the State of Montana of 1921, be and the same is hereby amended to read as follows:

Use of funds.

Compensation
for board.

Meeting
expenses.

Secretary report.

“Section 3165. Out of the funds coming into the possession of said Board, each member thereof may receive as compensation, the sum of Fifteen Dollars (\$15.00) and necessary expenses for each day actually engaged in the duties of his office. Such sums shall be paid from the fees received by said Board under the provisions of this Act, and no part of the salary or other expenses of the Board shall ever be paid out of the State Treasury. All moneys received in excess of said expenses, as above provided for, shall be held by the secretary as a special fund for meeting expenses of said Board, and carrying out the provisions of this Act, and he shall give such bonds as the Board shall from time to time direct, and the Secretary of Said Board shall make an annual report of its proceedings to the Governor on the first Monday in January of each year, which report shall contain an account of all moneys received and disbursed by them pursuant to this Act.”

Section 6. That Section 3166 of the Revised Codes of the State of Montana of 1921 be and the same is hereby amended to read as follows:

"Section 3166. Said Board shall have the power to revoke any certificate of registration granted by it under this Act for conviction of crime, habitual drunkenness, contagious or infectious disease, gross immorality, gross ignorance or inefficiency in his profession, or for unprofessional conduct. Unprofessional conduct shall mean: obtaining any fee by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optician or optometrist to perform any work covered by this Act; permitting another to use his certificate of registration; soliciting or sending a solicitor from house to house; treatment or advice in which untruthful or improbable statements are made; professing to cure disease; advertising in which ambiguous or misleading statements are made; the use in advertising of the expression "eye specialist" or "specialist on eyes" in connection with the name of an optometrist; provided, that this Act shall not prohibit legitimate or truthful advertising by any registered Optometrist and provided that before any certificate shall be revoked, the holder thereof shall have notice in writing of the charge or charges against him, and, at a day specified in said notice, at least ten days after the service thereof, be given a public hearing, and have opportunity to produce testimony in his behalf, and to confront the witness against him. Any person whose certificate has been revoked may appeal to the courts or may after the expiration of ninety days apply to have the same re-granted and the same shall be re-granted him upon a satisfactory showing that the disqualification has ceased."

Grounds for revocation.

Unprofessional conduct, meaning of.

Charges under this act, hearing.

Appeal or rehearing.

Section 8. That Section 3167 of the Revised Codes of the State of Montana of 1921, be and the same is hereby amended to read as follows:

"Section 3167. Any person who shall violate any of the provisions of this Act shall be decreed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) and not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail not exceeding one year, or by both fine and imprisonment as the court may determine. All fines thus received shall be paid into

Penalty for violation.

the common school fund of the county in which such conviction takes place.”

Section 9. Except as otherwise set forth herein, this Act shall be in full force and take effect from and after its passage and approval by the Governor.

Section 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 16, 1925.

CHAPTER 172.

An Act Amending Section 6070 of the Revised Codes of Montana of 1921, Relating to the Creation of the State Banking Department and to the Appointment of a Superintendent of Banks and His Deputies, Fixing Their Terms of Office and Salary.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6070 of the Revised Codes of Montana of 1921 be, and the same hereby is amended to read as follows:

State Banking
Department.

Appointment.

Qualifications.

“Section 6070. There is hereby created a State Banking Department. The State Examiner of the State of Montana shall be ex-officio Superintendent of Banks. Said State Examiner and Ex-officio Superintendent of Banks, hereinafter called the Superintendent of Banks, shall be appointed by the Governor and the appointment must be submitted to the Senate of the State of Montana for confirmation, and the said State Examiner and Superintendent of Banks shall have been a resident of the State of Montana for three years and shall have had at least five years continuous banking experience in an executive capacity or as an examiner of banks, and active in either of these capacities up to within two years of his appointment.

Term.

Duties.

Bond.

The term of office of the Superintendent of Banks shall be four years from and after his appointment, and it shall be his duty to execute all laws in relation to banks, acting personally or through his examiners, regular or special. He shall, if required by the Governor, file an additional bond as Superintendent of Banks, in a penal sum not to exceed Seventy-five Thousand Dollars (\$75,000.00) with a surety or sureties to be approved by

the Governor, conditioned upon the faithful performance of the duties of his office as Superintendent of Banks.

The Superintendent of Banks shall have the power and authority with the approval of the State Board of Examiners, to appoint such clerks and examiners, both regular and special, one of whom shall be designated Chief Examiner, as may be necessary for the proper transaction of the business of the department. The examiners shall qualify by taking the oath of office required of other State officers and giving a bond in the sum of Ten Thousand Dollars (\$10,000.00), to be approved by the State Board of Examiners, conditioned upon the faithful discharge of the duties of State Bank Examiners, and be commissioned by the Superintendent of Banks as such examiners.

Clerks and
examiners.

Bond for
examiners.

Neither the Superintendent of Banks nor any bank examiner shall be interested in or a borrower from any State bank, directly or indirectly.

Interest in
banks.

The Superintendent of Banks shall receive a salary of Five Thousand Dollars (\$5,000.00) per annum, payable monthly. The salaries of all clerks and bank examiners appointed by the Superintendent of Banks, shall be fixed by the State Board of Examiners.

Salaries.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 16, 1925.

CHAPTER 173.

An Act to Amend Sections 5465, 5502 and 5507 of the Revised Codes of Montana, 1921, as amended by Chapter 31 of the Eighteenth Legislative Assembly, 1923, and to Amend Section 5503 of the Revised Codes of Montana, 1921, All Relating to the Commission-Manager Plan of Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5465 of the Revised Codes of Montana, 1921, as amended by Section 12 of Chapter 31 of the Eighteenth Legislative Assembly, 1923, be and the same is hereby amended to read as follows:

Department of
Public Safety.

Director of
Public Safety,
duties of.

“Section 5465. Department of Public Safety. Subject to the supervision and control of the City Manager in all matters, the Director of Public Safety shall be the executive head of the division of police and fire. He shall also be the chief administrative authority in all matters affecting the inspection and regulation of the erection, maintenance, repair and occupancy of buildings as may be ordained by the Commission or established by the general law of the State of Montana. He shall also be charged with the enforcement of all laws and ordinances relating to weights and measures.

Chief of Police,
authority and
duties.

The Chief of Police shall have exclusive control of the stationing and transfer of all patrolmen and other officers and employees constituting the police force, under such rules and regulations as the Director of Public Safety may prescribe. The provisions of Sections 5095 to 5108, both inclusive, Revised Codes of Montana 1921, and of Section 5007, Revised Codes of Montana 1921, shall not be applicable to cities and towns operating under the plan of government provided for in this Act. The police force shall be composed of a chief of police and such officers, patrolmen and other employees as the City Manager may from time to time determine. In case of riot, emergency, at time of elections or similar occasions, the Director of Public Safety may appoint additional patrolmen and officers for temporary service who need not be in the classified service.

Police force
composed of
whom.

Special Police-
men must have
written
authority.

No person shall act as special policeman, special detective or other special police officer for any purpose whatsoever, except upon the written authority of the Director of Public Safety. Such authority shall be exercised only under the direction and control of the Chief of Police and for a specified time.

Fire Chief,
duties of.

The Fire Chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employees constituting the fire force under such rules and regulations as the Director of Public Safety may prescribe. The fire force shall be composed of a chief and such other officers, firemen and employees as the City Manager may from time to time determine. In case of riot, conflagration or emergency, the Director of Public Safety may appoint additional firemen and other officers for temporary service who need not be in the classified service.

Fire force,
composed of
whom.

Emergency
service.

The Chief of Police and Fire Chief shall have the right

to suspend any of the officers and employees in the police and fire department, who may be under their management and control, for incompetency, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority or for any other just and reasonable cause. When such suspension is made, the Chief of Police or Fire Chief shall forthwith report such suspension in writing to the Director of the Department of Public Safety, together with the facts and reasons for such suspension. Upon receipt of said notice the Director of Public Safety shall fix a date and time for hearing such suspension, which shall be within thirty days from the receipt of such notice, and cause to be given to the person suspended and the officer suspending at least three days' notice thereof. Upon a hearing of said matter before the Director of Public Safety, he shall be authorized to administer oaths, take testimony and to render a decision thereon either sustaining the order of suspension or overruling the same. An appeal may be taken within ten days from the date of judgment from said decision of the Director of Public Safety to the City Manager by the party suspended or the officer making the suspension. If no appeal is taken, the judgment rendered by the Director of Public Safety shall be final, except that the City Manager shall in all cases have the authority to remove any employee or officer of the Police or Fire Department. If an appeal is taken to the City Manager, he shall fix a date and time for hearing the same within thirty days of the receipt of such notice of appeal and give at least three days notice thereof to the parties, and he shall have the right to swear witnesses, take testimony and render judgment therein and his judgment shall be final.

Subordinate officers may be suspended by whom.

Notice and hearing.

Appeal.

Hearing on appeal.

The City Manager shall have the exclusive right to suspend or dismiss the Chief of Police and the Fire Chief for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, or for any other just and reasonable cause. If either of such chiefs be so suspended or dismissed, the City Manager shall forthwith certify the fact, together with the cause of suspension or dismissal to the Commission, who, if demand therefor be made by the person so suspended or dismissed within five (5) days from the date of receipt of such notice, shall proceed to hear such charges and render judgment thereon, which judgment shall be final.

Suspension of Police Chief and Fire Chief.

Certification of suspension.

Hearing by commission and judgment.

Relief fund
for injured
employees.

Act does not
repeal general
law for levy of
taxes for pen-
sion funds.

The Commission may provide by general ordinance for the relief out of the police or fire funds of members of the division of police and fire temporarily or permanently disabled in the discharge of their duty. Nothing herein shall impair, restrict or repeal any provision of general law authorizing the levying of taxes to provide for firemen, police and sanitary police pension funds, and to create and perpetuate boards of trustees for the administration of such funds."

Section 2. That Section 5502 of the Revised Codes of Montana 1921, as amended by Section 17 of Chapter 31 of the Eighteenth Legislative Assembly, 1923, be and the same is hereby amended to read as follows:

Fiscal year of
municipality.

Estimate of ex-
penses and
revenue sub-
mitted when.

Compiled how.

Classification of
information.

"Section 5502. The fiscal year of the municipality shall begin on the first day of January. On or before the 15th day of January of each year, the City Manager shall submit to the Commission an estimate of the expenditures and revenues of the municipal departments for the ensuing year. The estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the City Manager. The classification of the expenditures shall be as nearly uniform as possible for the main functional divisions of all departments and shall give in parallel columns the following information:

(a) A detailed estimate of the expenses of conducting each department as submitted by the department;

(b) Expenditures for corresponding items for the last two fiscal years;

(c) Expenditures for the corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditure necessary to complete the current fiscal year;

(d) Amount of supplies and materials on hand at the date of the preparation of the invoice;

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year;

(f) Such other information as is required by the Commission or that the City Manager may deem advisable to submit;

(g) The recommendation of the City Manager as to

the amounts to be appropriated with reasons therefor in such detail as the commission may direct.

A sufficient number of copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Commission for inspection by the public."

No of copies required.

Section 3. That Section 5503 of the Revised Codes of Montana 1921, be and the same is hereby amended to read as follows:

"Section 5503. Appropriation Ordinance—Details Concerning. Upon receipt of such estimate, the commission shall prepare an appropriation ordinance in such form as may be prescribed by ordinance or resolution. Before finally acting upon such tentative appropriation, the commission shall fix a time and place for holding public hearings upon the tentative appropriation, and shall give public notice of such hearing. Following the public hearings and before its final passage, the appropriation ordinance shall be published with a parallel comparison with the recommendation of the City Manager. The commission shall not pass the appropriation ordinance until ten days after its publication, nor before the first Monday in February."

Appropriation ordinance.

Public hearing.

Publication.

Passage.

Section 4. That Section 5507 of the Revised Codes of Montana 1921, as amended by Section 18 or Chapter 31 of the Eighteenth Legislative Assembly, 1923, be and the same is hereby amended to read as follows:

"Section 5507. The Commission shall fix by annual salary ordinance the salary or compensation of the City Manager, the heads of the departments and its own employees.

Commission fixing of salaries.

The City Manager shall fix the number and salaries or compensation of all other officers and employees.

City manager other officers.

In cities where there is a Civil Service Board as provided for in this Act, the salary or compensation so fixed shall be uniform for like service in each grade of the service as the same shall be graded or classified by the City Manager in accordance with the rules and regulations adopted by the Civil Service Board. All such salaries and rates of pay, shall be reported to the Secretary of the Civil Service Board. All fees and moneys received or collected by officers and employees shall be paid into the City Treasury.

Salaries like those fixed by "Civil Service Board."

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1925.

CHAPTER 174.

An Act to Amend Section 3588 Revised Codes of Montana of 1921, as Amended by Chapter 41 of the Session Laws of the Eighteenth Legislative Assembly of Montana of 1923, Relating to the Delivery of Grain by Public Warehousemen, the Duty and Liability of Warehousemen, and the Duties of the Grain Inspector.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3588 of the Revised Codes of Montana of 1921, as amended by Chapter 41 of the Laws of the Eighteenth Legislative Assembly of Montana, 1923, be, and the same is hereby amended to read as follows:

Delivery of
grain, or market
value, when.

“Section 3588. Upon the return of the receipt to the proper warehouseman, properly endorsed, and upon payment or tender of all advances and legal charges, grain of grade, quality and quantity equal to that placed by him in store, shall be delivered to the holder of such receipt within forty-eight hours after the facilities for receiving the same have been provided, or at the option of the owner, such warehouseman shall deliver such grain at terminal, or if mutually agreed, the equivalent market value thereof on said date, less any freight and storage charges to terminal, and such other charges as may be allowed by the commissioner of agriculture.

Written instruc-
tions to ware-
housemen for
cars, loading,
etc.

Owners of warehouse receipts surrendered for shipment shall furnish the warehouseman with written instructions regarding the capacity of cars to be ordered from the transportation company, and as to the manner of loading and billing shipments made in such cars as are furnished by the transportation company.

Duty and
liability of ware-
housemen.

The warehouseman shall load and bill all such shipments in exact accordance with instructions given, and shall be liable to the owner of the warehouse receipt so surrendered for the amount of any excess freight paid, or for other damages suffered by the owner of the ware-

house receipt, resulting from the failure of the warehouseman to follow accurately the loading and billing instructions as given him, provided that the owner of said warehouse receipt shall immediately furnish to said warehouseman a duplicate copy of the original state weightmaster's certificate of weight of said car lot shipment at terminal. If any dispute or disagreement arises between the party receiving and the party delivering the grain at any public warehouse in this state as to the proper grade or dockage, or both, of any grain, in accordance with standards at terminal points, an agreed average sample of at least two quarts of said grain in dispute may be taken by the parties interested, and forwarded in a suitable container, mail or express charges prepaid, with the names and addresses of the parties, to the Chief Grain Inspector, Gréat Falls, Montana, or the State Grain Laboratory, Bozeman, Montana, who will, upon request examine said grain and adjudge what grade said sample is entitled to under the inspection rules and which amount of dockage it contains, and the findings of such inspection shall be binding upon both parties, subject to appeal as hereinafter provided. If the grain in question is damp, musty or otherwise out of condition, this fact with any other necessary information must accompany sample."

Average sample
in disputes to
Chief Inspector.

Duty of
Chief Inspector.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1925.

CHAPTER 175.

An Act to Amend Sections 5194 as Amended by Chapter 21 of the Session Laws of the Eighteenth Legislative Assembly and 5201 Revised Codes of Montana of 1921, Relating to the Amount of Tax to Be Levied by Cities and Towns for Municipal Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5194 Revised Codes of Montana of 1921, as amended by Chapter 21 of the Session Laws of the Eighteenth Legislative Assembly, be, and the same hereby is amended to read as follows:

Amount of tax
for municipal
purposes.

Distribution of
funds.

Levy for
park purposes.

“Section 5194. AMOUNT OF TAX FOR MUNICIPAL PURPOSES—DISTRIBUTION OF FUNDS—LEVY FOR PARK PURPOSES. The amount of taxes to be assessed and levied for general municipal or administrative purposes in cities of the first class with a population of thirty-five thousand or over must not exceed one and two-tenths per centum of the assessed value of the taxable property in all such cities of the first class, and all other cities and towns must not exceed one and one-half per centum on the per centum of the assessed value of the taxable property of the city or town; and the council in each city or town may distribute the money collected into such funds as are prescribed by ordinance; provided, that for the purpose of maintaining public parks, the council in any city or town may assess and levy, in addition to the said levy for general municipal or administrative purposes, not exceeding two mills on the dollar on the per centum of the assessed value of the taxable property of the city or town.”

Section 2. That Section 5201 Revised Codes of Montana of 1921, be, and the same hereby is amended to read as follows:

Taxes in cities
which have
exceeded the
constitutional
limit of
indebtedness.

Special fund
for expenses.

“Section 5201. TAXES IN CITIES WHICH HAVE EXCEEDED THE CONSTITUTIONAL LIMIT OF INDEBTEDNESS. All taxes heretofore levied and collected, or to be collected for municipal and administrative purposes by any city or town, the indebtedness of which equals or exceeds the limit provided in section 6 Article XIII of the Constitution, may be used in payment of current expenses during the fiscal year for which said taxes were levied, the same as though a special levy had been made for each of said purposes. And the council of any such city or town is hereby authorized to designate the amount of said general levy applicable to each of said purposes, and the amount so designated shall constitute a special fund for the special purpose of paying the expenses incurred for such purpose, and such expenses shall be payable out of such fund and not otherwise; provided, that the aggregate of all taxes authorized for general municipal and administrative purposes shall not exceed one and one-half per cent annually upon the per centum of the assessed value of all taxable property in such city or town.”

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1925.

CHAPTER 176.

An Act Authorizing the State Board of Examiners, for and on Behalf of the State of Montana, to Sell Treasury Notes of the State of Montana, with Interest Coupons Attached, in the Sum of Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000.00), for the Purpose of Paying and Refunding Outstanding Warrants Chargeable Against the General Fund of the State of Montana; Making Provisions as to the Terms and Conditions Thereof, and Directing the Disposition of the Proceeds Thereof; Providing for the Repayment of the Same and the Interest Thereon, and Creating, for the Purpose of Such Repayment, Out of Any Moneys Accruing to the General Fund of the State of Montana a Special Fund to Be Known as the "Treasury Note Redemption Fund," and Authorizing the Issuance of Such Series of Treasury Notes, and Making an Appropriation for the Payment of All Expenses Incident to the Issuance and Sale of Said Notes.

PREAMBLE.

It appearing that there are now outstanding and unpaid valid warrants chargeable against the general fund of the State of Montana in an amount in excess of Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000.00), bearing interest at the rate of six per cent per annum; and it appearing that said warrants can be refunded by the issuance of treasury notes at a much lower rate of interest and without creating any new indebtedness on the part of the State of Montana, and that there is not available for the payment of said outstanding warrants actual cash on hand in said general fund, and that in addition thereto the current expenses of the State and interest charges against said fund are constantly accruing, and that by the refunding of said warrants and the issuance of said treasury notes for a limited period of time, a saving in large amounts can be made to the State of Montana by reason of the reduced rate of interest which will be required to be paid upon said treasury notes; now, therefore,

Outstanding
warrants.

Can be refunded
by treasury
notes.

Lower rate of
interest.

A large saving.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of Exam-
iners authorized
to issue and sell
treasury notes.

Amount.

Use.

Section 1. That for the purpose of redeeming and paying outstanding warrants against the general fund of the State of Montana, the State Board of Examiners is hereby authorized and empowered to issue and sell treasury notes for the use and benefit of and in the name of the State of Montana in the sum of Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000.00), lawful money of the United States of America, the proceeds from the sale of which notes shall be deposited in the treasury of the State of Montana and credited to the general fund, and shall be used exclusively for the payment of warrants now outstanding and drawn upon the general fund of the State of Montana, and bearing interest at the rate of six per cent.

Issued in
series

When payable.

Rate of interest.

Section 2. Such treasury notes shall be issued in series and in such denomination as may be determined by the State Board of Examiners, shall bear date as of the day of the issuance thereof and shall become due and payable as follows:

Series A—\$1,000,000.00	January 15, 1926
Series B—\$1,250,000.00	July 15, 1926
Series C—\$1,500,000.00	January 15, 1927, and

shall bear interest at the rate of not to exceed four per cent per annum payable semi-annually.

Form.

Registered.

Interest
coupons.

How executed.

Section 3. The State Board of Examiners shall prescribe the form of such treasury notes, and each series shall bear upon its face the words: "Refunding Treasury Notes of the State of Montana", with a letter to designate the series thereof, and shall be signed by the members of the State Board of Examiners, and the Great Seal of the State of Montana shall be affixed to each note, and the notes shall be registered in the office of the State Treasurer. Said treasury notes shall have interest coupons attached thereto, payable semi-annually on January 15 and July 15 of each year; provided, that the first interest coupon on each of said treasury notes shall be payable on July 15, 1925, and shall be for the interest from the date of the issuance of said treasury notes to said date. Said coupons shall be executed with the fac-simile signatures of the members of the State Board of Examiners, and the signing of said coupons with said fac-simile signatures shall be a sufficient execution of such interest coupons on behalf of the State of Montana.

Section 4. The treasury notes provided for in this Act shall be disposed of by the State Board of Examiners in such manner as they shall deem for the best interests of the State for the carrying out of the purposes and provisions of this Act; provided, that no treasury note shall be disposed of for less than par value and accrued interest to date of sale.

How disposed of.

Section 5. All of said treasury notes and interest coupons thereto attached shall be made payable to the bearer at the office of the State Treasurer of the State of Montana at Helena, Montana, on maturity, and the notes of each series shall be entitled to payment in the order of their presentation, otherwise without preference or priority one over the other; provided, however, that the State Board of Examiners may provide that the said notes and interest coupons shall be payable at some bank or trust company in New York City to be selected by such State Board of Examiners.

Where and how payable.

Proviso.

Section 6. For the purpose of paying said treasury notes, as the same become due and of paying interest maturing thereon, there is hereby created in the treasury of the State of Montana a special fund to be known as the "Treasury Note Redemption Fund," and so much of the moneys accruing to the general fund in the treasury of the State of Montana as will equal the amount of said treasury notes and interest coupons issued and outstanding, and due at any interest paying period are hereby apportioned to, set apart to, and shall be paid into and transferred to said Treasury Note Redemption Fund, and the said Treasury Note Redemption Fund and all moneys accruing, or to accrue therein are hereby appropriated exclusively to and for the payment of such treasury notes and the interest thereon; provided, that apportionments to said Treasury Note Redemption Fund shall be made semi-annually and only in such amounts and at such times as shall be necessary to meet each semi-annual charge.

Special fund.

Purpose of.

Section 7. The State Treasurer of the State of Montana is hereby authorized, directed and empowered, upon the maturity of any of said treasury notes or interest coupons, to pay to the bearer thereof on presentation and surrender of the same at his office, or at the bank or trust company in the City of New York selected or designated by the State Board of Examiners, the amount thereof; all of which payments of treasury notes or in-

Authorization of payment.

How payable.

terest coupons shall be made in the order of presentation, and all of which shall be paid from the Treasury Note Redemption Fund, and upon the surrender of any coupons or treasury notes, the Treasurer shall cancel and mark the same paid.

Appropriation
for sale of
notes.

Section 8. That for the purpose of paying the expense of making said loan and the preparation and sale of said treasury notes and the registration of the same, and all legal and other incidental expenses in connection with said loan and the repayment thereof, there is hereby appropriated from any moneys of the general fund of the State of Montana, not otherwise appropriated, the sum of Two Thousand Five Hundred Dollars (\$2,500.00), or so much thereof as may be necessary.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1925.

CHAPTER 177.

An Act to Amend Section 1755 Chapter 135 of the Revised Codes of Montana of 1921 as Amended by Chapter 107 of the Laws of the Eighteenth Legislative Assembly, Relating to the Registrar of Motor Vehicles, Motor Dealers, and of Chauffeurs, and Providing for Deputy and His Salary and Bond of the Registrar and Transfer of All Books, Records, Files and Office Equipment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1755 of the Revised Codes of Montana of 1921 and the same is hereby amended to read as follows:

Warden of
State Peniten-
tiary Registrar
of motor
vehicles.

Duty of.

“1755. 1. The Warden of the State Penitentiary be and is hereby constituted the registrar of motor vehicles, of motor dealers and of chauffeurs, and that as such it shall be his duty to keep a record as hereinafter specified of all motor vehicles of every kind, of all dealers in motor vehicles, and of chauffeurs, and to assign to each a distinctive serial registration number.

"2. In the case of motor vehicles the record shall show the following: Name of owner, residence by county, business address, manufacturer of car, manufacturer's designation of style of car, manufacturer's serial number, year of manufacture, character of motive power, manufacturer's horsepower rating and the distinctive serial number assigned such car, also whether or not to be used exclusively for commercial purposes, and if so, manufacturer's rating of load carrying capacity, and such other information as may from time to time be found desirable.

What record shall show.

"3. In the case of dealers the record shall show the name of the applicant, his residence, and address by town and county, his business address, and the distinctive number assigned him.

Record in case of dealers.

"4. The registrar of motor vehicles shall qualify by giving a bond of \$50,000.00 providing for the faithful performance of his duty. He shall be entitled to one deputy who shall be selected by the State Board of Examiners, which Board shall also fix such deputy's salary; the remaining clerical help shall be selected by the registrar of motor vehicles from among the inmates of the state penitentiary.

Bond.

One deputy.

Clerical help.

"5. All office equipment, books, files and records belonging to the motor vehicle department as now located shall be transferred to the state penitentiary.

Transfer of equipment.

"6. The registrar of motor vehicles shall on the tenth and twenty-fifth day of each month transmit to the state treasurer all monies collected by him.

Transmitting of moneys.

"7. The registrar of motor vehicles shall at the end of each month furnish the state purchasing agent a list of licenses sold for the current month, showing the number of the license sold and the name and address of the person to whom said license was sold, and the state purchasing agent shall have such information printed in pamphlet form, which shall be distributed to the sheriffs and clerk and recorder and assessors of each county of the state by the registrar of motor vehicles."

List of licenses.

What to contain.

Distribution of lists.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after December 1st, 1925.

Approved March 16, 1925.

CHAPTER 178.

An Act to Amend Sections 1040 and 1041 of the Revised Codes of Montana 1921 and Sections 1042, 1043, 1044, 1045 and 1048 of the Revised Codes of Montana, 1921, as Amended by Chapter 68 of the Session Laws of 1923, Pertaining to the Formation of Rural School Districts, the Selection and Qualification of Trustees and Their Powers and Duties, and Providing for Their Dissolution.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1040 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Definition of terms.

"Section 1040. DEFINITION OF TERMS. The following terms shall be construed to mean:

"Rural school district."

The "rural school district" shall mean the territory obtained by the uniting of all third class districts and parts of first or second class districts as may petition to become a part of the "rural school district."

"Subdivision."

"Subdivision" shall mean one of the four parts into which the "rural school district" is divided for purposes of election of trustees.

"Subdistrict."

"Subdistrict" shall mean the local third class district as constituted by Chapter 76 of the session laws of the thirteenth legislative assembly, which is section 1021 of the Revised Codes of Montana, 1921.

Section 2. That Section 1041 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Creation of "rural school district."

"Section 1041. FORMATION OF RURAL SCHOOL DISTRICTS IN ANY COUNTY OF MONTANA WHICH SHALL ACCEPT THE PROVISIONS OF THIS ACT. All school districts and parts of school districts of the third class and minor portions of any district of the first and second class which may petition to withdraw from the first or second class district as herein provided, shall for the purpose set forth in this Act, from and after the first day of July 1925 together constitute a single district to be known as the "rural school district" of the county in which it is situated. Such rural district shall be a unit for the purpose of taxation and

Shall be a unit.

such other purposes as are hereinafter provided, and shall be divided into subdivisions for the selection of trustees and consist of subdistricts for the purpose of local management, local control, and custody of property. The boundaries of the subdivisions shall be determined by the board of county commissioners who shall divide that portion of the county to be included in the rural school district of the county, into four parts which shall be known as subdivisions, each having as near as may be one-fourth of the total area of the rural school district, and making the boundaries of those parts coincide with the boundaries of the subdistricts. All portions of first and second class districts, which become a part of the rural school district as herein provided, shall be attached to adjacent subdistricts in the manner provided by law. Boundaries of subdivisions may be altered by county commissioners at a later date in case county division or other cause may unduly reduce or increase the size of a subdivision or subdivisions.

Boundaries,
how deter-
mined.

“A majority of the school electors of rural sections of first and second class districts residing not nearer than six miles to the largest school in such first and second class districts may present a petition in writing to the board of county commissioners asking for transfer from the first or second class district to the rural school district, which petition shall describe the boundaries of the territory proposed to be transferred and the number of children affected by such transfer. Upon receipt of such petition the county commissioners shall call a meeting for the purpose of considering such petition and shall notify all parties interested including the board of trustees of the first or second class district by posting or causing to be posted at least ten days prior to the date of such meeting in at least three of the most public places in the proposed territory to be transferred and in three of the most public places in the remaining portion of the old district notices stating the time, place and purpose of such meeting of the board of county commissioners, which meeting of the board of county commissioners shall be not less than twenty days from the date of the receipt by the board of such petition. The board of county commissioners at such special meeting shall approve or deny the said petition and shall enter their approval or denial upon the records of the county within ten days from the date of such meeting. In case the petition is granted, such territory transferred may

Petition for
transfer.

Meeting to
consider petition.

Notices of
meeting.

Approval or de-
nial of petition.

be made a part of adjacent subdistricts or created a sub-district of the rural school district."

Section 3. That Section 1042 of the Revised Codes of Montana, 1921, as amended by Chapter 68 of the Session Laws of 1923, be, and the same is hereby amended to read as follows:

"Section 1042. PETITION FOR ADOPTION. ELECTION. MEMBERSHIP OF BOARD. Any county in the state may adopt the county unit system for rural schools provided in the succeeding sections of this Act, on the conditions hereinafter prescribed as follows:

County unit
system.

Petition.

Duty County
Commissioners
to call election.

Conduct of
election.

Judges receive
no compensation.

Polling places.

Who may vote.

Notice of
election.

Closing
registration
records.

"Whenever, between the first day of December of any year and the first day of April of the following year, twenty per cent of the registered electors residing in the third class school districts of any county shall petition the board of county commissioners requesting that the county unit system for rural schools be established in such county, the county commissioners shall call an election to be held in all third class districts of the county, within ninety days, and in any event not later than the tenth day of May following. The county commissioners shall appoint precinct judges and clerks, and the election shall be conducted in accordance with the general election law of the state, and the judges and clerks of such election shall serve without compensation. The place of election in each precinct shall be the established polling place in each precinct. All registered electors residing in the proposed rural school district and whose names appear upon the registration books of the county upon the day of calling such election, shall be entitled to vote upon such election. The polling books of any precinct shall not contain the names of any registered electors residing in any district of the first and second class. The county clerk shall give twenty days' notice of such election by publication in the official paper of the county that the question of adopting the county unit system for rural schools will be submitted to the qualified electors in all third class districts of the county at the time designated. It shall not be necessary to give notice of closing of registration books of the county in elections held pursuant to the provisions of this Act. But the registration books of the county for such election shall automatically close upon the day of calling such election. The qualified electors of the proposed

rural school district shall vote by ballot for or against the adoption of the county unit system for rural schools. **Ballots.** An elector desiring to vote for such adoption shall do so by marking (X) on his ballot before the phrase, "For the rural school district"; an elector desiring to vote against such adoption shall do so by marking (X) on his ballot before the phrase, "Against the rural school district."

"After the election the ballots shall be counted and the votes canvassed and returns shall be made to the county clerk in the manner prescribed in the general election laws. If a majority of the votes cast at the election is in favor of the county unit, the board of county commissioners shall make and enter an order creating such rural school district and establish the boundaries of each subdivision, and this Act shall become effective in so far as the county is concerned. **Canvass of returns.** **Duty of Commissioners where vote is favorable.**

"If a majority of the votes cast at such election is against organization of the rural school district, another election upon the question of organizing a rural school district cannot be held until after the expiration of two years. **Duty Commissioners where vote is unfavorable.**

"As soon as the board of county commissioners has for the first time established the boundaries of the subdivisions as hereinbefore provided, the said board of county commissioners shall thereupon appoint one elector from among the residents of each of the four subdivisions of the rural school district of the county. Of these four trustees so appointed two shall serve until the first regular school election after their appointment, one until the second regular school election after his appointment, and one until the third regular election after his appointment, the terms of trustees so appointed to be determined by lot. **Boundaries.** **Appointment of board of trustees.** **Term.**

"The chairman of the board of county commissioners, the county superintendent of schools and the county treasurer shall be ex-officio members of the board. No ex-officio member of the board may serve as chairman, nor may such member receive any further remuneration for his services than his regular salary for the other duties of his office. The county superintendent of schools shall be ex-officio secretary of the board and it shall be his duty to enforce rules, regulations and orders of the board. **Ex-officio members.**

Redistrict the
county.

Termination of
trustees.

“In any county in which a rural school district is in operation at the time of the passage of this Act the county commissioners shall, at least twenty days previous to the first ensuing school election, redistrict the county into four subdivisions for purposes of election of trustees from the rural school district as heretofore provided. In case the term of one trustee of the rural school district is expiring in 1925 at the next ensuing election no trustee shall be elected as his successor. In case the terms of two trustees of the rural school district of such county are expiring in 1925 it shall be determined by lot which one of the two members shall continue on the board. On the third Saturday of April in such county the chairman of the board of county commissioners, the county superintendent of schools and the county treasurer shall become ex-officio members of the board of the rural school district as heretofore provided in this section.”

Section 4. That Section 1043 of the Revised Codes of Montana of 1921 as amended by Chapter 68 of the Session Laws of 1923, be, and the same is hereby amended to read as follows:

Qualifications
and election
of trustees.

“Section 1043. Qualifications and election of trustees—Petitions for nomination and election. The elected trustees shall be electors of the subdivision of the rural school district of the county in which they are to serve. Except as hereinbefore provided such trustees shall be elected at the annual school election and shall serve for three years and until their successors are elected or appointed and qualify.

Nominating
petition.

“On or before fifteen days prior to the annual school election, there may be filed with the secretary of the board of trustees of the rural school district, petitions signed by at least twenty-five qualified electors of each subdivision of the rural school district in which the term of a trustee is about to expire, nominating candidates for trustees to be voted for at the ensuing election, and if any trustees are to be elected to complete unexpired terms, as hereinafter provided, such petition shall state whether the persons nominated therein are nominated for such unexpired terms or for full terms of three years. The board of trustees shall cause the names of all candidates for trustees of the rural school district to be printed and sent to the clerk in each subdivision of the part in which a trustee is to be elected,

Petition shall
state what.

Duty of board
of trustees

to be posted at each polling place at least five days preceding the election. The election of school trustees shall be held and conducted under the supervision of the trustees of the local subdistrict, who shall not less than fifteen days before the annual election post notices in three public places in their subdistricts, which notices must specify the time and place of election and hours during which the polls will be open. The local trustees must appoint, by an order entered in their records, three qualified electors of said subdistricts to act as judges at said election, and the local clerk shall notify them by mail of their appointment. If the judges are not present at the time of opening the polls, the electors present may appoint judges, and the judges so appointed shall designate one of their number to act as clerk. The voting must be by ballot without reference to the general election laws in regard to nominations, forms of ballot, or manner of voting, and the polls shall be open for such time as the board of trustees may order; provided that such polls must be open between two P. M. and Six P. M. It shall be the duty of the judges of the election to canvass the votes cast in their respective subdistricts for trustees, and make returns of the same to the county clerk in the manner and form as may be prescribed by the general election law of the state in so far as the same may be applicable to school elections. The returns shall be canvassed and the result declared by the county commissioners and certificates of election issued by the county clerk in the same manner as may be prescribed by the general election laws of the state in so far as the same may be applicable thereto; provided that in the election of said board of trustees the votes cast in each of the four subdivisions of the rural school district, shall be canvassed separately and the candidates receiving the largest number of votes in any one subdivision shall be elected as the trustee for such subdivision; provided, further, that no one shall be eligible as trustee who is not at the time of this election or appointment a bona fide resident and elector of the subdivision of the rural school district for which he is elected.

Posting of notices.

Judges of election.

Absence of judges.

Voting by ballot.

Opening of polls.

Canvass and returns.

Election certificates.

Separate subdivision canvass.

Who eligible as trustee.

“Persons elected or appointed as trustees shall qualify by taking an oath to perform their duties according to law. Their oaths may be administered by the county superintendent or any other officer authorized by law to administer oaths, and must be filed with the clerk of the board of trustees within fifteen days after the

Oath of trustees.

Filed where.

Vacancies. election or appointment. The board of county commissioners shall appoint trustees to fill vacancies in the board of rural school district trustees; provided, that such appointment is confirmed by the majority of the remaining members of such board. Trustees so appointed shall serve till the next regular school election, at which election successors shall be elected to serve for the unexpired balance of the term, if any."

Term of appointee.

Vacancy.

Section 5. That Section 1044 of the Revised Codes of Montana of 1921 as amended by Chapter 68 of the Session Laws of 1923, be, and the same is hereby amended to read as follows:

Powers of board of trustees.

"Section 1044. **POWERS AND DUTIES OF TRUSTEES—BUDGET—TAXES.** The board of trustees of every rural school district shall have only the powers and shall perform only the duties enumerated in this Act. The board of trustees of each subdistrict of the rural school district shall have all the powers and perform all the duties imposed upon trustees of school districts according to the provisions of chapter 76 of the session laws of the thirteenth legislative assembly and Acts amendatory thereof and supplementary thereto, except, as modified by the terms of this Act.

Certification of expense budget.

"The board of trustees of each subdistrict of the rural school district shall not later than the last day of May prepare and certify to the board of trustees of the rural school district, a budget containing an estimate of all of the different items of expenditures for operation and maintenance to be incurred by such subdistricts for the ensuing school year. Such budget shall explain in detail the several items of estimated expenditures, together with an explanation of the necessity therefor. Such budget shall also be accompanied by a full and complete report of the school facilities of the subdistrict and of the educational opportunities afforded to each child in such subdistrict. Any board of trustees of a subdistrict making expenditures in excess of their budget shall have deducted from their budget for the ensuing year the amount of such excess expenditure, unless the county board of trustees authorized such expenditure from its emergency fund.

Contents of budget.

Expenses in excess of budget.

"For high school expenses in excess of the revenues derived from the high school levy of the county and for any extraordinary expenditure or expenditures for any

purpose other than operation and maintenance of elementary schools to be incurred by a subdistrict, not included in the budget for such subdistrict, as adopted by the board of trustees of the rural school district, the board of trustees of such subdistrict may cause to be levied upon the property in the subdistrict a special tax pursuant to the provisions of section 1203 of the Revised Codes of Montana 1921.

Special tax
for high school
expenses.

"The board of trustees of the rural school district shall on the first Monday in June, examine the budgets certified to it by the trustees of the several subdistricts, and from such budgets shall prepare a complete budget for the rural school district, which shall provide for the furnishing of reasonable educational facilities to every child in the rural school district, including the payment of board or rent, or both, and transportation of children from isolated sections, in cases where the same is more expedient than maintaining a school in such isolated sections; all interest on all outstanding bonds issued by such rural school district or the payment of which has been assumed by such district, and so much of the principal of any such bonds as is to become due during the ensuing school year and also including any other reasonable item of expenditure not herein enumerated, and necessary for carrying out the provisions of this Act. Such budget shall contain the detailed estimated expenditures of each subdistrict. Patrons shall have the right of appeal to the board of trustees of the rural school district in case provision of educational opportunities of children have been neglected or overlooked by the trustees of the subdistrict, and the decision of the trustees of the rural school district shall be final.

Examination
of budget by
board.

Provisions of
budget.

Patrons right
of appeal.

Decision of
board final.

"The board of trustees of every rural school district is hereby authorized to include in the budget for any year as a separate item an amount not in excess of a one-half mill levy to provide for the following general purposes affecting the entire rural school district or for any of them: The supervision of the health of students, employment of a truant officer, provision for new students in any local district who may have come into said district after the adoption of the budget for said district and not provided for in said budget. They shall also be authorized to provide a levy not in excess of one mill in any one year for establishing a building fund for the erection of portable or other school buildings, barns, dormitories or teacherages when the same are

Additional
levy of one-
half mill.

Purpose of
levy.

One mill
levy for what
purpose.

Extra levies.

deemed necessary by the board of trustees of the rural school district and to make provision of necessary building facilities for isolated and special cases. Whenever such extra levies are made the board of trustees of the rural school district shall specify the purposes for which same are to be used and make the expenditures for said purposes as set out in said budget.

Certification of money required in excess of apportionments.

“The board of trustees of the rural school district shall on or before the second Monday in June in each year certify to the board of county commissioners the total amount of money required in excess of the state and county apportionments to be raised by taxation for the rural school district pursuant to the budget adopted by the board, and the board of county commissioners shall cause to be levied at the time of the levy of taxes for state and county purposes, a sufficient levy upon all of the taxable property within the rural school district to raise the amount of money so certified by the board of trustees of the rural school district, after allowing a deduction of ten per cent on account of delinquencies.

County commissioners to cause sufficient levy.

10% deduction.

The board of trustees of the rural school district shall at its regular meeting held on the second Thursday in December, apportion to the several subdistricts their proportionate part of the taxes then collected, such proportionate part to be determined in accordance with the budget as above mentioned. They may at this meeting make such adjustments in the budgets as may seem necessary because of new conditions arising since the budgets were allowed.

Apportionment of taxes.

Budget adjustments.

Countersigning of sub-dist. warrants.

“Any warrant issued by any subdistrict board, except for salaries, shall be countersigned by the secretary of the board of trustees of the rural school district. Said secretary is authorized to countersign only such warrants as are drawn in payment of expenses approved by the board of trustees of the rural school district in the budget of the subdistrict. Hereafter all warrants issued by subdistricts shall carry the notation “This warrant not valid, except for salaries, unless countersigned by secretary of board of trustees of the rural school district.”

Notations on warrants.

Closing of rural school.

“The board of trustees of the rural school district is authorized to close schools with an enrollment of fewer than five pupils, if in the judgment of said board, such children can be cared for more economically and in a satisfactory manner in another school. Said board shall

also be empowered to place textbooks and equipment of schools closed in other communities where such materials are needed, provided that such textbooks and equipment shall be replaced or new materials shall be provided in their stead at such time as it may become desirable to reopen said school.

Transfer of
text books.

“The faith of the rural school district is solemnly pledged for the payment of the interest and the redemption of the principal of the bonds which at the time when this Act takes effect have been issued or assumed by the rural school district. And for the purpose of enforcing the provisions of this chapter, the rural school district shall be a body corporate, which may sue and be sued by or in the name of the board of school trustees of such district.

Payment of
interest and
redemption
of the bonds.

“The board of trustees of the rural school district shall be authorized to establish a salary schedule based upon teaching experience, training and certification of teachers and to determine transportation rates and allowances for board and house rent.”

Salary and ex-
pense schedule.

Section 6. That Section 1045 of the Revised Codes of Montana of 1921 as amended by Chapter 68 of the Session Laws of 1923, be, and the same is hereby amended to read as follows:

“Section 1045. SINKING FUND OF THIRD CLASS DISTRICTS. All sinking funds on hand as a surplus or credit to the various third class districts in any county prior to and on July 1 of the year in which the provisions of this Act shall be accepted in such county shall remain as the sinking funds of the several subdistricts and in no event may they be used for any other purpose than as the sinking fund of the subdistrict. All moneys to the credit of the general or special funds of subdistricts prior to and on July 1 of the year in which the provisions of this Act shall be accepted shall remain to credit of such general or special funds of subdistricts and shall serve to reduce the levies of such subdistricts the first year as many mills as would be required to procure by special levy on the subdistrict the amount of money on hand to the credit of the subdistrict, unless such funds are required for meeting contracts already entered into when the rural school district begins to operate.

Sinking
funds on
hand.

Moneys remain-
ing to credit of
special funds.

“All of the existing indebtedness of the various third

Payment of
indebtedness.

class districts in any county prior to and on July 1 of such year, whether for maintenance or bonded indebtedness, or otherwise, shall remain the indebtedness of and be paid by the subdistricts, such payments being made from a subdistrict special levy for that purpose.

Section 7. That Section 1048 of the Revised Codes of Montana 1921, as amended by Chapter 68 of the Session Laws of 1923 be, and the same is hereby amended to read as follows:

Dissolution of
school district.

“Section 1048. DISSOLUTION OF RURAL SCHOOL DISTRICTS—PROCEDURE TO EFFECT. A rural school district organized under the provisions of this Act may be dissolved after the expiration of four years from the date of its organization, in the following manner, to-wit:

Petition for
dissolution.

“Whenever, between the first day of January and the first day of March in any year after four full school years have expired twenty per cent of the registered electors in a rural school district shall petition the board of trustees of the rural school district requesting the dissolution of such school district, the board of trustees of the rural school district shall submit such petitions to the county clerk, and the county commissioners shall call an election which shall be held in all third class districts of the county and conducted in the manner prescribed for the adoption of the rural school district as set forth in Section 1 of this Act. If a majority of votes cast at such election shall be in favor of the dissolution of the rural school district, the board of county commissioners shall make an order to that effect and on and after July first the rural school district shall be dissolved and the several subdistricts shall thereupon become school districts of the third class.

Election.

If vote favor-
able.

Failure of vote.
Another election.

“If the election for the dissolution of such school district should fail to carry, another election upon the question of dissolution of such school district may not be held until after the expiration of two years.

Distribution of
funds and
apportionment
of indebtedness.

“The board of county commissioners shall distribute funds of the rural school district and apportion the indebtedness of the rural school district in the following manner. Each school district (formerly a subdistrict) shall thereupon become the owner of all the property of the rural school district located within its boundaries. The county commissioners shall apportion to each school

district that portion of the funds of the rural school district other than sinking funds, which is in proportion to the number of school census children within the school district. Provided that in the counties where the rural school district was organized prior to the passage of this Act the county commissioners of the county shall continue to levy the taxes upon all the property located within the territory which formerly constituted the rural school district, until the interest and the principal of all bonds issued by the rural school district shall have been paid in full."

Continuation
of tax levy
until full
payment.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1925.

CHAPTER 179.

An Act to Create State Forests; to Provide for Their Use, Management, Control and Disposition; to Appoint a State Forester, Fix His Salary and Define His Powers and Duties; to Authorize Cooperation with Timber Operators, Owners, and Farmers in Forest Protection, Development and Extension; Abolishing the Office of Assistant State Forester; and to Repeal Sections 1830, 1832, 1837, 1873, 1874, 1875, 1876, 1877, 1878, of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all lands at present owned by the State of Montana, and all that may hereafter be acquired by the State through escheat, exchange, purchase, grant or devise, which are principally valuable for the timber that is on them, or for the growing of timber or for watershed protection, are hereby classified and designated "State Forests," and reserved for forest production and watershed protection.

Classification
of state
forests.

Section 2. That the following state forest units are hereby established, primarily to secure through forestry management a continuous supply of timber and the permanence of watershed covers:

Purpose of
classification.

(a) A State Forest containing lands owned or here-

"Stillwater
State Forest."

after acquired by the State, now comprising about 90,000 acres, situated in the watersheds of the Stillwater and Whitefish rivers of Flathead and Lincoln counties, shall hereafter be known and designated as the "Stillwater State Forest."

"Swan River
State Forest."

(b) A State Forest containing all lands owned or hereafter acquired by the State, now comprising about 42,000 acres, situated in the Swan river watershed of Lake County, shall hereafter be known and designated as the "Swan River State Forest."

"Coal Creek
State Forest."

(c) A State Forest containing all lands owned or hereafter acquired by the State, now comprising about 20,000 acres, situated in the Coal Creek watershed of the North Fork of the Flathead river, shall hereafter be known and designated as the "Coal Creek State Forest."

"Sula State
Forest."

(d) A State Forest containing all lands owned or hereafter acquired by the State, now comprising about 10,000 acres situated in the watersheds of Camp and Cameron creeks of Ross Hole of Ravalli county, shall hereafter be known and designated as the "Sula State Forest."

"Thompson
River State
Forest."

(e) A State Forest containing all lands owned or hereafter acquired by the State, now comprising about 14,628 acres, situated in the west half of township 25 North, range 26 West; and township 23 North, range 27 West; and west half of township 22 North, range 26 West; and township 21 North, range 26 West, except sections 4, 5, 6, 7, 8 and 18, in the Thompson river watershed of Sanders county, shall hereafter be known and designated as the "Thompson River State Forest."

"Clearwaetr
State Forest."

(f) A State Forest containing all lands owned or hereafter acquired by the State, now comprising about 18,076 acres situated in townships 13, 14 and 15 North, range 14 West; and townships 13 and 16 North, range 15 West, Montana Meridian, in the Clearwater river watershed of Missoula county, shall hereafter be known and designated as the "Clearwater State Forest."

"Lincoln
State Forest."

(g) A State Forest containing all lands owned or hereafter acquired by the State, now comprising about 8,245 acres, situated in township 14 North, ranges 7, 8 and 9 West; and township 13 North, ranges 8 and 9 West, Montana Meridian, of the Blackfoot river watershed in Lewis and Clark county, shall hereafter be known and designated as the "Lincoln State Forest."

Section 3. That the Governor by and with the advice and consent of the Senate shall appoint a State Forester to have general charge of all the State Forests, who shall be an elector of the State of Montana, trained and experienced in forestry, whose salary shall be \$3,000.00 per annum, and actual, necessary expenses while engaged in outside work in connection with his office, payable monthly from the State's general fund, and whose term of office shall be for four years; with the consent and approval of the State Board of Land Commissioners, the State Forester shall appoint such office help, forest wardens, scalers, cruisers, estimators and forest assistants as may be necessary for the administration of the forests, and fix their salaries and expenses. He shall give a satisfactory bond to the State of Montana in the sum of Ten thousand dollars, (\$10,000.00), as guarantee for the faithful performance of his duties.

"State Forester" appointment.

Salary.

Expenses.

Term.

Help.

Bond.

Section 4. Under the direction of the State Board of Land Commissioners, the State Forester may sell the timber crop and other crops of the forests, after examination, estimate, appraisal and report, and under such rules and regulations as may be established by the State Board of Land Commissioners; provided, that any timber proposed for sale in excess of 100,000 feet board measure shall be advertised in a paper of the county in which the timber is situated for a period of at least thirty days, during which time the State Forester shall receive sealed bids up to the hour of the closing of the bids, as specified in the notice of sale. Right is reserved to the State Forester to reject any or all bids, upon approval of the Board; or he shall award the sale to the highest responsible bidder. Upon award of sale the purchaser shall execute a formal agreement, approved by the State Land Board, which shall describe the area on which the timber is to be cut, the approximate quantity to be cut by species, the rate for each product of each species, and shall stipulate that all timber shall be paid for in advance of cutting, fix a date for termination of the agreement, and define rules of silviculture, cutting, utilization, scaling and slash disposal, and such other rules as in the discretion of the State Board of Land Commissioners, are essential to the perpetuation of the State Forests.

Sale of timber.

Advertise for bids.

Award of sale.

Purchaser's agreement.

Contents of.

Section 5. As a guarantee for the faithful perform-

Purchaser's
bond.

ance of the agreement, the purchaser shall be required to furnish a bond, with sufficient sureties, to the state of Montana, in an amount equal to at least 20% of the estimated value of timber sold.

Breach of
timber sale
agreement.

Section 6. For breach of timber sale agreement, the State Forester is authorized to suspend cutting or removal of the timber, if by him deemed necessary, and to take such steps as are advisable upon advice and counsel of the Attorney General to adjust the breach or to liquidate the State's claim for damages or he may submit the case with full report as to damages sustained by the State to the Attorney-General for collection on the bond.

Free permits
for dead or in-
ferior timber.

Section 7. Permits may be issued free of charge for dead, down or inferior timber in such quantities and under such restrictions and regulations as the State Land Board may approve for fuel and domestic purposes to residents and settlers of the State.

Issuance
of permits.

Permits may be issued to citizens of the State for commercial purposes at commercial rates without advertising under such restrictions and rules as the State Land Board may approve for timber in quantities of less than 100,000 feet board measure; provided, repeated permits of this kind shall not be issued to avoid advertising and the consequent competition secured thereby.

Proviso:

Who may
take permits.

Permits for cutting and removal of timber may be issued to farmers, ranchers and prospectors with such restrictions and regulations as the Board may approve for timber in quantities of twenty-five thousand feet board measure, or less, when it is to be used for domestic purposes in the repair and development of the ranch or farm; provided, that not to exceed twenty-five thousand feet board measure shall be granted in any one year to any one person; and provided, that the rates of charge for such permits shall be fixed by the State Land Board.

For what
purposes
and terms.

State Forester—
his duties.

Section 8. It shall be the duty of the State Forester to supervise all the State timber sales, to secure payment to the State Treasurer for all the timber before it is cut, to secure the most complete utilization of all forest products consistent with the current lumbering practice. It shall be his duty to instruct and supervise the cruisers, forest wardens and scalers in the conduct of their work; and to fix and establish the standard practice in timber sales administration. He shall require

Instruct and
supervise.

that each merchantable log be scaled by the Scribner Decimal C log rule inside the bark at the small end, and that the deduction be made for all visible cull. He shall fix and determine converting factors and units of measure for all forest products other than saw logs, which shall be as nearly as practical equivalent to the Decimal C. log scale. He shall require that all merchantable logs sold be numbered consecutively on at least one end, and that the corresponding numbers and the scale therefor be entered in a scale book, which shall be retained as a permanent public record showing date of scale, the designation of the sale, and the name of the scaler or scalers who did the work. He shall also require that each merchantable saw log, stull, tie, post, pole or other piece of timber be stamped on one or both ends with the official State timber mark, which is hereby authorized and designated thus, "S-T", signifying "State Timber."

Rules for scaling.

Numbering of logs.

Stamping of logs.

He shall require a permanent public record of scale or measurement of every log, piece or other unit of measurement of State timber products, except timber granted free to settlers for fuel and domestic purposes; and no State timber products shall pass from the title of the State until such scale or measurement has been made and recorded, and payment therefor secured to the State. He shall be responsible to the Board for the administration of the forests, and for the examination, classification, selection, appraisalment and reappraisalment of the State Forest lands, and shall establish his office upon the State Forests, or at some place of business accessible to them. He shall administer the grazing and all other secondary uses of the State Forests.

Record of scale or measurement.

Passing of title.

Responsibility and other duties.

He shall publish biennially a report of the condition and activities of the State Forests.

Biennial report

Section 9. The State Forester is hereby authorized to cooperate with forest owners and farmers in the development and protection of State and privately owned forest lands, plantations and shelter belts and brush disposal areas within the State.

Co-operation with owners and farmers.

Section 10. The State Treasurer is hereby authorized to receive moneys that may be appropriated or allotted for the purposes named in Section 9 of this Act by the state, counties, municipalities, the United States Government or any department thereof, or other organization

Treasurer authorized to receive moneys.

Forester's
co-operative
work fund.

Warrants.

or individual. The State Treasurer shall deposit such moneys in a special fund to be known as the Forester's Cooperative Work Fund, and the State Auditor is hereby directed to draw his warrant or warrants for payments from said fund for the purposes aforesaid upon receipt of vouchers approved by the State Forester.

Section 11. Sections 1830, 1832, 1837, 1873, 1874, 1875, 1876, 1877 and 1878 of the Revised Codes of Montana of 1921, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall be in full force and effect upon its passage and approval.

Approved March 17, 1925.

CHAPTER 180.

An Act Relating to Assessments Made by the State Board of Equalization and Repealing Sections 2134 and 2145 Revised Codes of Montana 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Assessment and
apportionment.

Section 1. The State Board of Equalization must, on or before the third Monday in July of each year, assess the net proceeds of all mines and all property required by law to be assessed by such Board, and must apportion to the counties and to the cities, towns, school districts and other taxing districts therein, in the manner provided by law, the total assessment of each of the properties so assessed by such board.

Statement of
assessment and
apportionment.

Contents of.

Section 2. The State Board of Equalization must, on or before the fourth Monday in July of each year, transmit to the county clerk of each county to which any such apportionment is made, a statement with reference to each property so assessed and apportioned, containing a description thereof sufficient for identification, and stating the kind and character and the amount, quantity and extent of such property and the value thereof in each city, town, school district and other taxing district within the county, and the total value thereof in the county, and such Board must, at the time of transmitting such statement to the county clerk, transmit a copy thereof to the owner of such property or to the person to whom the same is to be assessed.

Section 3. The county clerk must, on the receipt of each such statement from the State Board of Equalization, immediately enter on the assessment books of the county the assessment of such property as contained in such statement, and the same shall constitute the assessment of such property for taxation purposes in such county and in such cities, towns, school districts and other taxing districts of such county; provided that if any city or town in such county shall have provided by ordinance for the collection of its taxes by its own officers the county clerk must immediately after entering such assessment on the assessment books of the county, transmit a copy of so much of such statement as affects such city or town to the clerk thereof, and such city or town clerk shall on receipt thereof enter such assessment on the assessment books of such city or town. All such property is taxable upon such assessment at the same rate, by the same officers, and for the same purposes as other taxable property within such counties, cities, towns, school and other taxing districts, respectively, and such taxes must be collected in the same manner and by the same officers as other taxes are collected.

Entering on
assessment
books.

City taxes and
assessments.

Section 4. At any time after the assessment of any property by the State Board of Equalization, and before the fourth Monday in August of the year in which such assessment is made, the owner of such property, or the person to whom the same is assessed, may make written application to the State Board of Equalization to have such assessment changed or corrected in any respect or particular, or to have the assessment set aside and a reassessment made by such board, which application must set forth specifically the grounds and reasons of which such application is based. On receipt of any such application the board must make an order fixing a day for hearing the same, giving the applicant at least ten days notice in writing of the day so fixed for such hearing. And the State Board of Equalization may, on its own initiative, when it believes that an error or mistake has been made in an assessment made by it, or that it is for the best interests of the State so to do, at any time before the fourth Monday in August of the year in which such assessment is made, make an order for a hearing thereon, giving the owner of or person to whom such property is assessed, at least ten days written notice of the day so fixed for such hearing, in which said

Application
to change
assessment.

Hearing notice.

Recommendation by board
for hearing.

Notice.

Evidence.

Board to
transmit cor-
rections or reassessments.

Clerk to
make changes.

Clerk to transmit
to cities.

notice and order must be stated briefly, the mistake or error believed to exist by such board and the manner in which it is proposed to correct the same, or wherein the interests of the state require a change to be made in such assessment and the nature of the change proposed therein. On any such hearing, whether held on application of the owner or person to whom the property is assessed or on the initiative of the State Board of Equalization, such Board, after hearing and considering all evidence introduced on such hearing, may make such changes or corrections in such assessment as it may deem necessary and proper, or may set aside such assessment and make a reassessment of such property; provided that all such hearings must be held and all such changes, corrections or reassessments made by the State Board of Equalization before the second Monday in October. When any change or correction is made in any assessment, or any reassessment is made as the result of such hearing the Board of Equalization must, within fifteen days thereafter, transmit to the county clerk of each county to which such property has been apportioned, or which is affected by such changes, corrections or reassessments a statement shall be in the same form and contain the same details as the statement required by Section 2 of this Act. On receipt of any such statement the county clerk must immediately make the necessary and proper changes in the assessment of such property on the assessment books of the county as shown by such statement, and if any change or correction in such assessment of such reassessment affects any city or town which collects its taxes by its own officer, the county clerk must, after entering the same on the assessment books of the county, transmit to such city or town clerk so much of such statement as affects such city or town and such city or town clerk must thereupon make such changes and corrections on the assessment books of such city or town.

Section 5. Sections 2134 and 2145 Revised Codes 1921, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 20, 1925.

CHAPTER 181.

An Act Requiring the Registration of All Colonies of Honey Bees; Providing a Method of Registering and of Collecting Fees; Requiring the Posting of Registration Certificates; and Authorizing the Expenditure of Funds Arising from Registration Fees; and Providing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Requiring The Registration Of All Colonies Of Honey Bees. Every person, firm or corporation in the State of Montana who shall possess or own therein one or more colonies of Honey Bees, or one or more hives containing honey combs or brood combs, but no bees, whether or not such combs contain honey or brood, shall on or before the 1st day of April of each year, or thereafter within ten days after coming into possession or ownership of such colonies of bees or bee hives with combs, but without bees, or within ten days after changing the location thereof, register the same in the office of the Commissioner of Agriculture at Helena and obtain a registration certificate, which shall entitle him to own, possess or control colonies of bees for the calendar year then current or remainder thereof, at the location or locations named in the registration certificate. Application for such registration of colonies of honey bees shall be made to the Commissioner of Agriculture upon blanks prepared by him for this purpose, which shall be distributed by him to those applying for them throughout the State. Such blanks shall contain a statement of the name, place of residence and place of business of the owner and applicant, together with the number of colonies of bees or bee hives containing combs but no bees, to be registered and their location or locations in the State, defining such location by lot and block if within the corporate limit of a city or by section, or sectional division to the nearest quarter section, and township and range, and stating also the name of owner, renter or occupant of the land whereupon such colonies or hives are located.

Registration
of all colonies
of honey bees.

When.

Application.

Blanks and
contents.

Section 2. Requiring The Posting of Registration Certificates. Every person, firm or corporation in the State of Montana who shall possess or own one or more colonies of bees of one or more bee hives containing honey combs or brood combs, but no bees, whether or not such

Posting of
registration
certificates.

combs contain honey or brood, shall be and hereby is required to post in a conspicuous place at or near the location of his colonies of honey bees or bee hives, a copy of the registration certificate provided for in Section 1 of this Act, duly signed by the Commissioner of Agriculture or his authorized deputy. Every person, firm or corporation in the State of Montana who shall possess or own therein more than one bee yard or location where colonies or bee hives are kept, shall post in a conspicuous place a duly signed registration certificate in each and every such bee yard or location.

Registration
fee.

Section 3. Providing For A Registration Fee: The State Commissioner of Agriculture, either himself or through his deputy, is authorized and required to collect a registration fee in accordance with the following schedule of fees for the total number of colonies owned or possessed by each person, firm or corporation in the State of Montana

1 to 10 colonies of bees.....	\$1.00
11 to 50 colonies	2.50
51 to 200 colonies	\$5.00
201 to 300 colonies	7.50
301 to 400 colonies	10.00
401 colonies and upward.....	15.00

Authorizing
the expenditure
of funds arising
from registra-
tion fees.

State bee
keepers fund.

Section 4. Authorizing The Expenditure Of Funds Arising From Registration Fees: All registration fees collected under the provisions of this act shall be transmitted by the Commissioner of Agriculture to the State Treasurer, but shall constitute a special fund to be known as the "State Bee Keepers Fund" that may be drawn upon from time to time by the State Commissioner of Agriculture to defray the expenses of the enforcement of the State laws of Montana concerning the business of bee keeping and especially Section 3566 of the Revised Codes of Montana of 1921. The fund accruing from registration fees and made available for the enforcement of laws concerning the business of bee keeping in Montana shall be all of the money which the Secretary of Agriculture, or his deputies, shall spend for the enforcement of this Act.

Violation
and penalties
therefor.

Section 5. Providing Penalties for Violation of This Act: Any person, firm or corporation failing, neglecting or refusing to register his bees or bee hives containing combs, with or without bees, whether or not such

combs contain honey or brood, shall be deemed guilty of a misdemeanor and punished by a fine of not to exceed Twenty-five (\$25.00) Dollars for the first offense and Fifty (\$50.00) Dollars for any later offense.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 20, 1925.

CHAPTER 182.

An Act Defining the Term 'Transient Retail Merchant' and to Regulate and to License Transient Retail Merchants, and to Fix the Terms of Regulations and the Amount of License Fees to Be Paid, to Provide Funds for Such Regulations and the Enforcement Thereof, and to Provide for Their Collection, and to Require Bond, and to Prevent Fraud, and to Provide Penalties for the Violation of Any of the Terms of This Act, and for Other Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person, firm or corporation, acting for himself or itself, or representing any other person, firm or corporation who or which brings into temporary premises, into any county of this state, a stock of goods, wares or articles of merchandise, or notions, or other articles of trade, and who or which solicits, sells or offers to sell, or exhibit for sale, such stock of goods, wares or articles of merchandise or notions or other articles of trade at retail, is within the meaning of this act, a Transient Retail Merchant, and such definition shall continue to apply until such person, firm or corporation shall be continuously engaged at such particular place in the county for a period of one year.

Definition of
"transient
merchant."

"Temporary premises" within the meaning of this Act shall be continued to include any hotel, rooming-house, store room, building or any part of any building whatsoever, tent, vacant lot, freight station, railroad car, or any public or quasi-public place, temporarily occupied for such business.

Meaning of
temporary
premises.

Section 2. Amount Of License. The amount to be paid for the license to conduct the business of a "Transient Retail Merchant" shall be the sum of Five Dollars

Amount of
license.

(\$5.00) for each week or fraction thereof, to be paid in advance to the County Treasurer of the County in which such business is conducted.

Application
for license.

Section 3. Application for License. Every Transient Retail Merchant desiring to do business in any County of this State, must before commencing such business, file with the County Treasurer of such County, on a form to be provided by such Treasurer, an application in writing subscribed and sworn to by such applicant before an officer in this State authorized to take oaths which application shall set forth:

Contents of
application.

1. Name of Applicant.
2. His place of permanent residence.
3. His local headquarters, if any.
4. Time of his arrival in the County.
5. County from which last license, if any, received.
6. Whether acting as principal, agent, or employee.
7. If acting as Agent or Employee, the name and place of business of his principal or employer.
8. If any Agent, as part of application, Principal's acknowledgment of such Agency must accompany application.
9. Brief descriptive list of articles to be offered for sale, or services to be performed.
10. Whether payments or deposits of money are collected when orders are taken, or in advance of final delivery.
11. The number of weeks for which license is requested.

Filing of ap-
plication and
with fee
therefor.

At the time of filing the application, such Transient Retail Merchant must accompany the application above provided with the sum specified in the preceding Section as a license fee except as provided in the following Section.

Provision for
bond in lieu
of license.

Section 4. Provision for Bond in Lieu of License. In lieu of the license fee prescribed in Section 2 of this Act, every Transient Retail Merchant who filed with the application required in Section 3 an affidavit indicating bona fide intention to become a permanent merchant and continue in business for a period longer than one year, shall upon filing and approval of the Bond herein provided for, receive from the County Treasurer

a license permitting the conduct of such business for a period of one year. Such bond shall be a surety bond in the penal sum of One Thousand Dollars (\$1,000.00) to said County Treasurer executed by a surety company licensed to do business in this State or by two responsible freeholders residing in the County and whose names appear upon the assessment roll of said county (or in lieu thereof a cash bond of equal amount) and to be approved by said County Treasurer conditioned upon the performance of the intention to become a permanent merchant and continue in business for a period longer than one year and to insure the payment of license fees for the period such business is actually conducted, if not in fact a bona fide permanent business, and further conditioned, upon the delivery of goods ordered or sold in accordance with the terms of such order or sale. Any person aggrieved by any action or misrepresentation of any such Transient Retail Merchant shall have a right of action on said bond for the recovery of his money advanced or damage, and costs. Such bond shall remain in full force and effect for a period of six months after the expiration of the one-year period.

Surety bond.
Amount and
freeholder.

Right of action.

Term of bond.

Section 5. Issuance of License Endorsement and Filing Of Application. Upon filing of the application prescribed in Section 3, and the payment of the fee prescribed in Section 2, the County Treasurer shall issue and deliver to the applicant, in the County a license to carry on the business described in such application in the County in which such license is so issued, for the period for which such license is requested.

Filing of
application.

Upon filing of the application prescribed in Section 3, and the bond prescribed in Section 4, the County Treasurer shall issue and deliver to the applicant a license to carry on the business described in such application in the County which such license is so issued, for a period of one year from the date of such license.

Issuance of
license.

Such licenses shall be non-transferable and shall have printed across the face thereof in bold type the words "Not Transferable".

"Not trans-
ferable."

The County Treasurer shall endorse upon each application the date of issuance of the license and the duration thereof and shall immediately file such application with the County Clerk and Recorder of his county, who shall file the same in his office and keep an appropriate

Date of filing.

index thereof, which shall show the date filed, the name of applicant, and an appropriate reference to the file number by which said application may be found.

Penalty for failure to exhibit license.

Section 6. Penalty for Failure to Exhibit License. Every Transient Retail Merchant doing business under the provisions of this Act shall at all times keep said license conspicuously posted in said place of business, and any such Transient Retail Merchant who shall fail to post and keep posted his license as above provided is guilty of a misdemeanor and shall be fined not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00) for each offense.

Penalty for doing business without license.

Section 7. Penalty For Doing Business Without License. Every Transient Retail Merchant as herein defined, doing business without first obtaining a license so required by this Act is guilty of a misdemeanor, and shall be punished accordingly as provided in the Penal Code.

Interpretation of provisions of law.

Section 8. Interpretation of Provisions of Law. Nothing in this Act contained, is intended to operate so as to interfere with the power of the United States to regulate Commerce between the states as such power is defined by the Supreme Court of the United States. Nothing in this Act contained is intended to operate so as to impair or abridge, or interfere with, the right of any incorporated municipality within this State, to enact local laws or ordinances dealing with the subject of this Act, nor shall the provisions of this Act apply to duly constituted "City Markets" operated by authority of any city or town.

Section 9. All Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 10. This Act shall be in full force and effect on and after May 1st, 1925.

Approved March 20, 1925.

CHAPTER 183.

An Act Defining the Term "Huckster" and to Regulate and License Hucksters, and to Fix the Terms of Regulations, and the Amount of License Fees to Be Paid, and to Provide for Their Collection, and to Prevent Frauds, and to Provide Penalties for the Violation of Any of the Terms of This Act, and for Other Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Definition of Terms. Any person engaged or employed in the business of buying and selling farm products who disposes of such products by selling them at retail to consumers by going from house to house, is within the meaning of this Act, a Huckster.

Definition
of terms.

Section 2. Amount of License. Every Huckster desiring to do business in any county of this State must, before commencing such business, pay to the County Treasurer of such county, the sum of Five Dollars (\$5.00) for a license to conduct such business for a period of six months from the date such license is issued.

Amount of
license.

Section 3. Application for License. Every Huckster desiring to do business in any county of this State, must before commencing such business, file with the County Treasurer of such county, on a form to be provided by such Treasurer an application in writing, which application shall set forth:

Application
for license.

1. Name of Applicant.
2. His place of permanent residence.
3. Whether acting as Principal, Agent or Employee.
4. If acting as Agent or Employee, the name and place of business of his principal or employer.

Contents of
application.

At the time of filing the application, such Huckster must accompany the application above provided with the sum specified in the preceding section as a license fee.

Section 4. Issuance of License. Upon filing of the application specified in Section 3 and upon the payment to the County Treasurer of the sum specified in Section 2 of this Act, the County Treasurer shall issue and deliver to the Applicant, a license to carry on the business of a Huckster for a period of six months from the date of such license. Such license shall be non-

Issuance of
license.

Non-trans-
ferable.

transferable and shall have printed across the face thereof in bold type the words "Not Transferable."

Endorsement
and filing of
application.

The County Treasurer shall endorse upon each application the date of issuance of the license and shall immediately file such application with the County Clerk and Recorder of his county who shall file the same in his office and keep an appropriate index thereof, which shall show the date filed, the name of the applicant, and an appropriate reference to the file number by which said application may be found.

Penalty for
failure to ex-
hibit license.

Section 5. Penalty for Failure to Exhibit License. Every such Huckster doing business under the provisions of this Act must upon demand of any interested person exhibit his license and permit the same to then and there be read by the person making such demand; and any such Huckster who shall refuse or fail to exhibit his license as above provided is guilty of a misdemeanor and shall be fined not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00).

Penalty for
doing business
without license.

Section 6. Penalty for Doing Business Without License. Every Huckster as herein defined, doing business without first obtaining a license as required by this Act, is guilty of a misdemeanor, and shall be punished accordingly, as provided in the Penal Code.

Interpretation
of provisions
of law.

Section 7. Interpretation of Provisions of Law. Nothing in this Act contained is intended to operate so as to impair or abridge, or interfere with, the right of any incorporated municipality within this State, to enact local laws or ordinances dealing with the subject of this Act. Nothing in this Act shall be construed so as in any manner to impair, abridge or interfere with, the right of a grower or producer of farm products to dispose of such products grown or produced by him.

Section 8. All Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 9. This Act shall be in full force and effect, on and after May 1, 1925.

Approved March 20, 1925.

CHAPTER 184.

An Act Defining the Term "Itinerant Vendor", and to Regulate and to License Itinerant Vendors, and to Fix the Terms and the Amount of License Fees to Be Paid, and to Provide Funds for Such Regulation and the Enforcement Thereof, and to Provide for Their Collection, and to Prevent Fraud, and to Provide Penalties for the Violation of Any of the Terms of This Act and for Other Purposes, and Repealing Sections 2421 to 2428 Inclusive of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Definition of Terms. Any person engaged or employed in the business of retailing to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment, and there soliciting, selling, or offering to sell, or exhibiting for sale, by sample, by catalogue, or otherwise, or taking orders for future delivery of any goods, wares or merchandise, or for services to be performed in the future, is within the meaning of this act, an 'Itinerant Vendor'; a "consumer" is "one who uses, and by using, destroys the value of the article purchased". This Act shall in no way effect any person, firm, co-partnership or corporation with a commercial rating and who maintain a permanent place of business in the State of Montana.

Definition
of terms.

Section 2. Amount of License. For the purpose of defraying the expenses of regulation under this Act every Itinerant Vendor desiring to do business in any County of this State must before commencing such business, pay to the County Treasurer of such County, the sum of Five Dollars for a license to conduct such business for a period of ninety days from the date of such license is issued.

Amount
of license.

Section 3. Application for License. Every Itinerant Vendor desiring to do business in any County of this State, must before commencing such business file with the County Treasurer of such County, on a form to be provided by such Treasurer, an application in writing subscribed and sworn to by such applicant before an officer in this state authorized to take oaths, which application shall set forth:

Application
for license.

Contents of
application.

1. Name of applicant.
2. His place of permanent residence.
3. His local headquarters, if any.
4. Time of his arrival in the County.
5. County from which last license, if any, received.
6. Whether acting as principal, agent or employee.
7. If acting as Agent or Employee, the name and place of business of his principal or employer.
8. If an Agent, as part of application, Principal's acknowledgment of such Agency must accompany application.
9. Brief descriptive list of articles to be offered for sale, or service to be performed.
10. Whether payments or deposits of money are collected when orders are taken, or in advance of final delivery.

Fee accom-
panying.

At the time of filing the application, such Itinerant Vendor must accompany the application above provided with the sum specified in the preceding section as a license fee.

Bond required
if deposit
taken on orders
for future
delivery.

Section 4. Bond Required If Deposit Taken On Orders For Future Delivery. Every application made by an Itinerant Vendor taking orders for future delivery and collecting advance payments, deposits or guarantees thereon, under the terms of the preceding Sections, shall be accompanied by a bond in the penal sum of \$250.00 to said County Treasurer, executed by a surety company licensed to do business in this state, or by two responsible freeholders residing in the county and whose names appear upon the assessment roll of said county (or in lieu thereof a cash bond of equal amount) and to be approved by said County Treasurer, conditioned upon making of final delivery of the goods ordered or the services to be rendered, in accordance with the terms of such order, or failing therein, that the monies advanced by his customers be refunded. Any person aggrieved by the action or misrepresentation of any such Itinerant Vendor shall have a right of action on the bond for the recovery of his money advanced or damages and costs. Such bond shall remain in full force and effect for a period of six months after the expiration of any such license, and shall be held to assure only business transacted under the authority of the license issued

Action on bond.

Term of bond.

pursuant to the application which such bond accompanied.

Section 5. Issuance Of License Endorsement And Filing Of Application. Upon filing of the application prescribed in Section 3, or the filing of such application and the bond prescribed in Section 4, in proper form, and upon the payment to the County Treasurer of the sum required by Section 2 of this Act, the County Treasurer shall issue and deliver to the applicant, a license to carry on the business described in such application in the County in which such license is so issued, for a period of ninety days from the date of such license. Such license shall be non-transferable and shall have printed across the face thereof in bold type, the words "Not Transferable".

Filing of application and issuance of license endorsement.

Not transferable.

The County Treasurer shall endorse upon each application the date of issuance of the license and shall immediately file such application with the County Clerk and Recorder of his County, who shall file the same in his office and keep an appropriate index thereof, which shall show the date filed, the name of the applicant and an appropriate reference to the file number by which said application may be found.

Date of issuance and filing.

Section 6. Penalty for Failure to Exhibit License. Every such Itinerant Vendor doing business under the provisions of this Act must upon demand of any person exhibit his License and permit the same to then and there be read by the person making such demand; and any such Itinerant Vendor who shall wilfully refuse or fail to exhibit his license as above provided is guilty of a misdemeanor and shall be fined not less than \$10.00 nor more than \$25.00 for each offense.

Penalty for failure to exhibit license.

Section 7. Penalty For Doing Business Without License. Every Itinerant Vendor as herein defined, doing business without first obtaining a license as required by this act is guilty of a misdemeanor, and shall be punished accordingly as provided in the Penal Code.

Penalty for doing business without license.

Section 8. Interpretation of Provisions of Law. Nothing in this Act contained, is intended to operate so as to interfere with the power of the United States to regulate commerce between the states as such power is defined by the Supreme Court of the United States. Nothing in this Act contained is intended to operate so as to impair or abridge, or interfere with, the right of any

Interpretation of provisions of law.

incorporated municipality within this State, to enact local laws or ordinances dealing with the subject of this Act provided that such municipality shall not impose any license fees in excess of twice the amount provided herein for County License fees.

Section 9. Sections 2421 to 2428 inclusive, of the Revised Codes of Montana of 1921, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect, on and after May 1st, 1925.

Approved March 20, 1925.

CHAPTER 185.

An Act to Amend Sections 2099, 2101, 2103 and 2105 of the Revised Codes of 1921 of the State of Montana, Relating to the Taxation of the Property of Freight Line Companies Doing Business in Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2099 of the Revised Codes of 1921 of the State of Montana be, and the same hereby is, amended to read as follows:

“Section 2099. Freight Line Companies to File Statements—Contents. Every freight line company as hereinafter defined, shall annually, between the first and thirtieth day of April, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, superintendent, manager, or chief officer of such association, joint-stock company, or corporation, file with the State Board of Equalization, a statement in such form as the State Board of Equalization may require and prescribe, showing the following:

1. The name of the person or persons, association, joint-stock company or corporation.
2. Under the laws of what state or country organized or existing.
3. The location of its principal office.
4. The location of its principal office in this state, if any.
5. The name and postoffice address of the president,

Freight line
companies to
file statements.

Contents.

secretary, auditor, treasurer, superintendent, general manager, or chief officer.

6. The total gross earnings received from all sources from the operation of such freight line company within this state for the year next preceding the first day of January.

7. Such other facts and information as the State Board may require in the form of return prescribed by it."

Section 2. That Section 2101 of the Revised Codes of 1921 of the State of Montana be, and the same hereby is, amended to read as follows:

"Section 2101. Ascertainment of Gross Earnings; Tax Levy. The State Board of Equalization shall, on or before the first Monday of June in each year, proceed to ascertain and determine the total gross earnings of each freight line company from all sources from the operation of such freight line company within this state for the year preceding the first day of January, and the amount of such total gross earnings as so ascertained and determined by said State Board of Equalization shall, be deemed and considered, as the assessed value of all cars operated, furnished or leased by such freight line company and having a situs for taxation in this state, and such Board of Equalization shall, immediately after having determined the value of such property, levy and assess against such property a tax amounting to five per cent of such taxable value, as is provided in Class 7 of Section 1999 and 2000 of the Revised Codes of 1921."

Ascertainment
of gross
earnings.

Tax levy.

Section 3. That Section 2103 of the Revised Codes of 1921 of the State of Montana be, and the same hereby is, amended to read as follows:

"Section 2103. Statement Gross Earnings and Tax to be Mailed Companies—Protests. The State Board of Equalization shall, immediately upon the first day of June of each year, mail to each freight line company a statement showing the amount of the total gross earnings received from all sources from the operation of such freight line company within this state for such year, as ascertained and determined by the State Board of Equalization, together with the amount of the tax assessed and levied by the State Board of Equalization, against the property of such freight line company, and

Statement of
gross earnings
and tax mailed
to companies.

Protest.

Review and
correction.

Action to enjoin.

such freight line company may, at any time before the third Monday in June, file with said State Board of Equalization a protest in writing, against such determination or assessment, or both, and the State Board of Equalization may, on the filing of such protest, or on its own motion, review and correct its findings in such manner as it may deem to be just and proper; provided, however, that no action of any kind shall be instituted or maintained by any freight line company to enjoin the collection of any tax, or to enjoin the sale of any property seized by the State Treasurer on account of the non-payment of any such tax, or to recover any tax, or any portion thereof, paid under protest, unless such freight line company shall have filed with said Board a protest, in writing, in the manner and form and within the time provided in this section."

Section 4. That Section 2105 of the Revised Codes of 1921 of the State of Montana be, and the same hereby is, amended to read as follows:

Certification
of valuation
for taxation.Book entry
of earnings.

"Section 2105. Certification of Valuation for Taxation. The State Board of Equalization shall, immediately after the first day of July, or, if a protest has been filed by any freight line company, immediately after the State Board of Equalization has finally acted thereon, enter in a book provided for that purpose, the amount of the total gross earnings of each and every freight line company for the year preceding the first day of January, the valuation of the cars of such freight line company for taxation in this state, and the amount of the tax assessed and levied against such cars, as ascertained, determined, fixed, assessed, and levied by such State Board of Equalization, and the State Board of Equalization shall, immediately thereafter certify the same to the State Treasurer as the value for taxation of all cars operated, furnished or leased by such freight line company in this state, and the amount of the tax levied and assessed against the same."

Section 5. This Act shall be in full force and effect after its passage and approval.

Approved March 20, 1925.

CHAPTER 186.

An Act to Amend Section 2382, 2383 and 2392, of the Revised Codes of Montana of 1921, as Amended by Chapter 150 of the Laws of 1923, and to Amend Sections 2384 and 2389 of the Revised Codes of Montana of 1921 All Relating to the Imposition of the Tax on the Sale of Gasoline, the Collection and Disposition Thereof, and Prescribing a Penalty for Neglect or Refusal to Furnish Statements and to Pay the Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2382 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923, be and the same is hereby amended to read as follows:

“Section 2382. Every distributor shall pay, for the last three quarters of the year 1925, and each year thereafter, to the state treasurer a license tax for engaging in and carrying on such business in this state, in an amount equal to two cents for each gallon of gasoline, and two cents for each gallon of distillate refined, manufactured, produced or compounded by such distributor and sold by him in this state, or shipped, transported or imported by such distributor into, and distributed and sold by him within this state, after it had arrived in and was brought to rest within this state, whether sold in the original packages or in the broken packages, during such year, provided that all gasoline and distillate distributed by any distributor to any of its service stations in this state shall be deemed to have been sold, and shall be treated and considered, in computing such license tax in the same manner as though the same had been sold to dealers or other persons.”

Distributor's
license tax.

Amount.

Proviso:

Section 2. That Section 2383 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923, be and the same is hereby amended to read as follows:

“Section 2383. Every dealer shall, for the last three quarters of the year 1925, and each year thereafter, when engaged in such business in this state, pay to the state treasurer for the exclusive use and benefit of the State of Montana, a license tax for engaging in such business in this state, equal to two cents for each gallon of gasoline and two cents for each gallon of distillate sold or

Dealer's
license tax.

Amount.

What to be considered or included herein.

distributed by such dealer in this state during such year, provided however, that no gasoline or distillate sold by such dealer, which was purchased by him from a producer who had paid the tax thereon, shall be included or considered in determining the amount of such license tax to be paid by such dealer, but only such gasoline and distillate as was shipped, transported or imported into this state and purchased by such dealer, before it had arrived in and was brought to rest within this state and then resold by such dealer, whether in the original packages or in broken packages, shall be included or considered for the purpose of computing the amount of such license tax."

Section 3. That Section 2384 of the Revised Codes of Montana of 1921, be and the same hereby is amended to read as follows:

How tax shall be paid.

"Section 2384. Such license tax shall be paid in quarterly installments for the quarters ending, respectively March 31st, June 30th, September 30th, and December 31st, in each year, beginning with the quarter ending June 30, 1925 and the amount of such license tax becoming due for each quarter shall be paid to the state treasurer within thirty days after the end of the quarter for which the same is due. Any such taxes not paid within the time herein provided for shall be delinquent and a penalty of ten per cent thereof shall be added thereto, and the whole thereof shall bear interest at the rate of one per cent per month from the date of delinquency until paid."

Delinquent tax and penalty therefor.

Section 4. That Section 2389 of the Revised Codes of Montana of 1921 be, and the same hereby is, amended to read as follows:

If distributor shall fail to make statement.

"Section 2389. If any distributor or dealer shall fail, neglect, or refuse to make any statement required by Section 2386 within the time therein provided, the state board of equalization shall, immediately after such time has expired proceed to inform itself as best it may, regarding the matters and things required to be set forth in such statement, and from such information as it may be able to obtain, to make a statement showing such matters and things, and determine and fix the amount of the license tax due the state from such delinquent distributor or dealer for such quarter adding to the amount of such license tax a penalty of five per cent,

Board shall make statement and fix penalty.

Amount of penalty.

thereof for the first failure, neglect, or refusal; ten per cent for the second; fifteen per cent for the third, and twenty five percent for the fourth and each subsequent failure, neglect, or refusals and deliver such statement to the state treasurer, who shall proceed to collect the amount of such license tax with penalty added thereto. and interest on the whole thereof, at the rate of twelve per cent, per annum from the date of the making of such statement by the State Board of Equalization until paid. Upon request of the state treasurer it shall be the duty of the attorney general to commence and prosecute the final determination in any court of competent jurisdiction, an action at law to collect the same. All license taxes due from any distributor or dealer under the provisions of this Act, together with all penalties and interest thereon shall be a prior lien upon any and all property used by such distributor or dealer in connection with such business or operation subject to such license taxes, whether such property is owned by such distributor or dealer or not, which lien shall have precedence over any other lien, claim or demand, and may be enforced in the name of the State of Montana in the same manner as other liens are enforced at law. No action shall be maintained by any such distributor or dealer to review, revise or change such statement in any particular or to enjoin the collection of the license tax, or any part thereof, and such distributor or dealer shall have no right to pay such license tax, or any part thereof, under protest, and maintain any action to recover the same."

Interest.

Suit for collection of tax.

Prior lien.

How lien enforced.

Distributor barred from protest.

Section 5. That Section 2392 of the Revised Codes of Montana of 1921, as amended by Chapter 150 of the Laws of 1923, be and the same is hereby amended to read as follows:

"Section 2392. Thirty per cent of all money received by the State Treasurer in payment of license taxes under the provisions of this Act shall be deposited by him and credited to the general fund of the state; fifteen per cent of all such monies so received by the State Treasurer, under the provisions of this Act shall be deposited by him and credited to the State Highway Fund; and the remaining fifty-five per cent of such money received by said State Treasurer, under the provisions of this Act, shall, at the end of each fiscal year, be pro-rated equally among and be paid over to each of the several counties of the State, to the credit and use of the general Road

Distribution of license tax.

Funds, and for the maintenance and construction of Highways therein.”

Section 6. All Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 7. This Act shall be in full force and effect from and after April 1st, 1925.

Approved March 20, 1925.

OFFICE OF THE GOVERNOR
Helena

March 20, 1925.

Hon. C. T. Stewart,
Secretary of State,
Helena, Montana.

My dear Sir: °

Referring to House Bill No. 330, I do not wholly approve of the distribution of proceeds from the gasoline tax as provided in this bill. There are, however, other provisions relating to the collection of the tax which I think are meritorious and should be incorporated in the statute, and feeling that the merits of the bill outweigh any objections which might be made to the manner of distribution, I am prompted to approve the bill.

Yours very sincerely,

(Signed) J. E. ERICKSON,
Governor.

CHAPTER 187.

An Act Regulating the Advertising of Oleomargarine and Providing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That it shall be unlawful for any person, firm, or corporation, within the State of Montana, to use in connection or association with the sale, advertisement, or exposure for sale, of oleomargarine or any other substance intended to be used as a substitute for butter, made wholly or in part from animal or vegetable fats other than the fat of pure milk or cream, the words, “dairy”, “creamery”, “butter”, “cream”, or any picture of a cow or cows, or the name of any of the breeds of cattle.

Advertisement
limitations.

Section 2. Any person, firm, or corporation, or any agent of either, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and be punished by a fine of not less than \$50.00 (fifty dollars), nor more than \$500.00 (five hundred dollars), or by imprisonment for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Violations
and penalty
therefor.

Section 3. This act shall take effect and be in force from and after its passage by the Legislature and approval by the Governor.

Approved March 20, 1925.

CHAPTER 188.

An Act Requiring the Licensing of Dealers in Oleomargarine or Other Substitutes for Dairy Products, Fixing the Fees for Same and Providing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That it shall be unlawful for any person, firm or corporation, by himself, his, or its servant or agent, or as the servant or agent of another, to sell, exchange, offer for sale or have in possession with intent to sell or offer for sale or exchange, any oleomargarine, imitation or filled cheese, or any substitute for any dairy product made from milk or cream, without first securing a license from the State Department of Agriculture, Labor and Industry, to conduct such sale or exchange. The fee for such license shall be \$250.00 (two hundred fifty dollars) for a license to sell at wholesale and \$75.00 (seventy-five dollars) for a license to sell at retail. Said amount or amounts shall be paid at the beginning of each quarter of the calendar year, or at the time when application for license is made, and a license shall be issued to cover the following quarterly period or such part of it as remains at the time such license is issued. Such license may be revoked by the Commissioner of Agriculture, Labor and Industry for failure of the holder thereof to comply with the laws of the State of Montana.

Unlawful to sell
substitutes for
dairy product
without license.

Amount of
license.

When paid.

Revocation.

Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$100.00

Violation and
penalty therefor.

(one hundred dollars), and no more than \$500.00 (five hundred dollars), or by imprisonment for not less than thirty days nor more than six months or by both such fine and imprisonment.

Section 2. This Act shall be in full force and effect from and after July 1st, 1925.

Approved March 20, 1925.

CHAPTER 189.

An Act to Amend Section 1904, Chapter 149 of the Revised Codes of Montana of 1921 Relating to "Holding Over and Trespass" Upon State Lands; Providing a Penalty Therefor, and the Manner of Collecting Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1904, Chapter 149 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 1904. All corporations, companies or persons who shall use or occupy state lands for farming, grazing or otherwise, contrary to the provisions of the lease, or without first having paid the Register of State Lands the rental price for such privilege, or who shall so use or occupy said lands for more than thirty days after the cancellation or expiration of a lease, except by authority of the State Land Board, shall be regarded as a trespasser, and shall be required to pay to the Register of State Lands, double rental for the time so used or occupied, which shall be computed for not less than one year, and the State Land Agent or any deputy State Land Agent is hereby authorized and empowered, and it shall be his duty to collect such double rental for the full time of such trespass, by the seizure and sale of any crop growing upon State Lands or by the seizure and sale of any livestock found illegally grazing upon state lands, and livestock found within an enclosure upon state land shall be prima facie evidence of such trespass. Provided: that for purpose of enforcing this act the State Land Agent or his deputy is hereby given authority as a state officer to proceed as required by law, in the foreclosure of chattel mortgages, and any corporation, company or person who shall construct a reservoir, ditch, railroad, public highway, private road, pipe line,

Use of state
lands contrary
to lease or with-
out paying
rental.

Holdover.

Double rental.

Collection of
penalty.

Evidence.

telegraph or telephone line or in any manner occupy or enter upon the lands belonging to the state without first having secured the authority and permission of the State Board of Land Commissioners to so occupy said land, for such purposes, shall be regarded as a trespasser and upon conviction thereof shall be fined in the sum of not less than twenty-five dollars and not more than fifty dollars, for each offense, and each day shall constitute a separate offense.”

Trespassers.

Penalty for trespasser.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 20, 1925.

CHAPTER 190.

An Act to Amend Chapter 10 of the Session Laws of 1923; Providing for the Amortization Plan of Payment for State Lands; Setting Forth the Contents of Certificates of Purchase; Authorizing Certificates of Purchase Now Outstanding to Be Converted Into New Amortization Certificates and Amending and Re-Enacting Section 1860 and 1861 of the Revised Codes of Montana, 1921; by Changing the Initial Payment from 15% to 10% Payment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1860 of the Revised Codes of Montana of 1921 as amended by Chapter 10 of the Session Laws of 1923, be amended and re-enacted to read as follows:

“Section 1860. The purchaser of State Lands, except timber lands, shall pay in cash on the day of sale such portion of the purchase price as he may desire, but not less, however, than ten per cent of the purchase price. The balance of the purchase price shall be paid on the amortization plan during a period of time not exceeding thirty-five (35) years, shall draw interest at the rate of five (5) per centum per annum, installments of principal and interest to be paid annually or semi-annually, as may be determined upon by the State Board of Land Commissioners. By amortization is hereby meant the plan of payment defined in Section 1928 of the Revised

Initial payment.

Amortization plan for balance of payment.

How determined.

Codes of Montana, 1921, as amended by the Eighteenth Legislative Assembly. Payment may be made in full at any time before maturity.”

Section 2. That Section 1861 of the Revised Codes of Montana of 1921 as amended as Section 1861A, and Section 1861B by the Session Laws of 1923 be amended and re-enacted to read as follows:

“Section 1861A. Upon payment of ten per cent of the purchase price of the land bought, the Register of State Lands shall execute and deliver to the purchaser a certificate of purchase signed by himself and by the Governor, as President of the State Board of Land Commissioners. This certificate shall contain a description of the land, showing how much has been paid thereon, how much remains unpaid, and the amount and due date of each and all installments of principal and interest to the time of maturity. A complete record of all such certificates shall be kept by the Register of State Lands.”

“Section 1861B. Any certificate of purchase of state land issued and outstanding when this amendment takes effect, may be converted into an amortization certificate on the plan set forth in this Act, and running for a period of time not exceeding thirty-five (35) years upon application of the owner or holder thereof, if the State Board of Land Commissioners deem the issuance of such new amortization certificate safe and advantageous to the State. The said board may in its discretion include delinquent installments of principal and interest on the old certificate in the principal of the new certificate if such action appears to be for the best interest of the state and the permanent institution funds. The State Land Board shall collect a fee of two dollars and fifty cents (\$2.50) for every such new certificate issued.”

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 4. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 20, 1925.

Certificate of purchase.

Contents of.

Record of certificates.

Conversion of certificates issued and outstanding.

Delinquent installments included.

Fee therefor.

CHAPTER 191.

An Act to Amend Sections 2089 and 2090 of the Revised Codes of Montana of 1921, Relating to the Statement of Gross Yield of Mines and Net Proceeds—How Computed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2089 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 2089. Statement Gross Yield of Mines. Every person, corporation or association engaged in mining upon any quartz vein or lode, or placer mining claim, or mining from or upon any mine whatsoever containing gold, silver, copper, coal, lead, or other valuable mineral or minerals deposit, must, between the first and tenth days of March in each year, make out a statement of the gross yield of the above-named metals or minerals from each mine owned or worked by such person, corporation, or association during the year preceding the first day of January, and the value thereof. Such statement shall be in the form prescribed by the State Board of Equalization, and must be verified by the oath of such person, or the manager, superintendent, agent, president or vice president of such corporation, association, or partnership, and must be delivered to the State Board of Equalization, on or before the tenth day of March, provided, however, that for the year ending December 31, 1924, such statement shall be made out for the period beginning June 1, 1924, and ending December 31, 1924. Such statement shall show the following:

1. The name and address of the owner or lessee of the mine.

2. The description and location of the mine.

3. The number of tons of ore or other mineral products or deposits extracted and treated or sold from the mine during the period covered by the statement.

4. The amount and character of such ores, mineral products or deposits, and the yield of such ores, mineral products or deposits to such person, corporation, or association so engaged in mining, in constituents of commercial value; that is to say, the number of ounces of gold or silver, pounds of copper or lead, tons of coal, barrels of petroleum, or other crude or mineral oil, or

Statement
gross yield
of mines.

Form of
statement.
Verification.

Proviso:

Contents of
statement.

other commercially valuable constituents of said ores or mineral products or deposits, measured by standard units of measurement, yielded to such person, corporation, or association so engaged in mining, during the period covered by the statement.

5. The gross yield or value in dollars and cents.
6. Actual cost of extracting same from mine.
7. Actual cost of transporting to place of reduction or sale.
8. Actual cost of reduction or sale.
9. Actual cost of marketing the product, and conversion of same into money.
10. Cost of construction, repairs and betterments of mines, and costs of repairs and replacements of reduction works.
11. The assessed valuation of reduction works for the calendar year for which such return is made."

Section 2. That Section 2090 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 2090. Net Proceeds—How Computed. The State Board of Equalization shall thereupon calculate and compute from said return the gross product yielded to such person, corporation or association so engaged in mining, and its gross value in dollars and cents of every mine for the year preceding the first day of January, and also shall calculate and compute the net proceeds in dollars and cents of said mine yielded to such person, corporation, or association so engaged in mining, which said net proceeds shall be ascertained and determined by subtracting from the value in dollars and cents of the gross product thereof the following, to-wit:

All moneys expended for necessary labor, machinery and supplies needed and used in the mining operations and developments; for improvements, repairs and betterments necessary in and about the working of the mine; for costs of repairs and replacements of the milling and reduction works used in connection with the mine; depreciation in the sum of six per cent of the assessed valuation of such milling and reduction works for the calendar year for which such return is made; also all money expended for transporting the ores, mineral products or deposits from the mine to the mill or reduction works or to the place of sale, and for extracting the

Computation of
gross product,
gross value,
net proceeds.

What subtracted.

metals and minerals therefrom, and for marketing the product and the conversion of the same into money; but moneys invested in the mines and improvements during any year, except the year for which such statement is made, must not be included in such expenditures, and such expenditures shall not include the salaries, or any portion thereof, of any person or officers not actually engaged in the working of the mine or superintending the management thereof; provided, however, that for the year ending December 31, 1924, such net proceeds shall be computed for the period beginning June 1, 1924, and ending December 31, 1924.

Proviso:

Provided, further, that if any such report contains any wilfully false or fraudulent statements as to the gross amount received by any person, corporation, or association so engaged in mining as aforesaid, for any mine's product, then the said State Board of Equalization shall compute the gross value of such mine's product, and such gross value shall be based upon the average quotations of the price of such mine's product in New York City, or the relative market value at the point of delivery, as evidenced by some established authority or market report, such as the Engineering and Mining Journal-Press, of New York City, or some other standard publication, giving the market reports for the year covered by the statement; and, provided, further, that if any such person, corporation, or association has sold or otherwise disposed of any of its mine's product at a price substantially below the true market price of such product at the time and place of such sale or disposal; then the State Board of Equalization shall compute the gross value of such portion of said mine's product, so sold or disposed of substantially below the market price as aforesaid, which gross value shall be based upon the quotations of the price of such mine's product in New York City, or the relative market value at the point of delivery at the time such portion of the product was so sold or otherwise disposed of, as evidenced by some established authority or market report, such as the Engineering and Mining Journal-Press, of New York City, or some other standard publication, giving the market reports for the year covered by such statement. Should there be no quotation covering any particular product, then the State Board of Equalization shall fix the value of such gross product, or such portion thereof as shall have been sold or otherwise dis-

False or fraudulent statements.

Computation of gross value.

Computation when sold below market price.

Computation when no quotation.

posed of at a price substantially below the true market price at the time and place of such sale or disposal in such a manner as may seem to be equitable.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect on and after January 1, 1925.

Approved March 20, 1925.

CHAPTER 192.

An Act Amending Sections 3652, 3653, 3655, 3656, 3659, 3661, 3662, 3664, 3665, 3666, 3677, 3681, 3682, 3685, 3694, 3696, 3697, 3698, 3699, 3700, 3701, 3704, 3706, 3714, 3717, 3720, 3725, 3727, 3733, 3735, 3741, 3777, 3778, of the Revised Codes of Montana of 1921, Relating to the Appointment, Composition, Powers, Duties, Liabilities and Compensation of the State Fish and Game Commission and of the State Fish and Game Warden and His Deputies, Defining and Regulating the Protection and Propagation of Fish and Game Animals and Birds and Regulating the Taking of Same; Providing for Searches and Seizures and for the Making of Arrests by Deputy State Fish and Game Wardens; Regulating Fish Hatcheries and Defining the Powers and Duties of the Superintendent of State Fisheries; Defining Terms Used in This Act; Providing Penalties for the Unlawful Taking of Fish and Game and for Other Violations of This Act; Providing Open and Closed Seasons for Elk and Deer in the Several Counties of the State and Creating Elk Preserves; Prohibiting the Use of Explosives and Poison in Taking Fish and the Dumping of Refuse in Streams and Lakes; Regulating the Possession and Shipment of Game and Repealing Sections 3702, 3720, 3721, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3652 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

“Section 3652. Meetings. The members of the Com-

mission shall within thirty days after their appointment and annually thereafter meet and organize by electing from its membership a chairman and shall hold quarterly or other meetings for the transaction of business, at such times and places it may deem necessary and proper, said meetings to be called by the Chairman, or by a majority of the Commission, and to be held at the time and place specified in the call for the same. A majority of the members of the Commission shall constitute a quorum for the transaction of any business which may come before it. The said Commission shall keep a record of all the business transacted by it. The Chairman and Secretary, hereinafter designated, shall sign all orders, minutes or documents for the Commission."

Meetings and
organization
of commission.

Quorum.

Record of
business.

Section 2. That Section 3653 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be, and the same is hereby amended to read as follows:

"Section 3653. Powers and Duties of Commission. The Commission hereby created shall have supervision over all the wild life, fish, game, and non-game birds, and waterfowl, and the game, and fur-bearing animals of the State, and shall possess all powers necessary to fulfill the duties prescribed by law with respect thereto, and to bring actions in the proper courts of this State for the enforcement of the fish and game laws of the State, and the orders, rules and regulations adopted and promulgated by the Commission. It shall have full power and authority to enforce all the laws of the State of Montana, respecting the protection, preservation and propagation of fish, game, and fur-bearing animals, game and non-game birds, within the State. It shall have the exclusive power to expend for the protection, preservation and propagation of fish, game and fur-bearing animals, and game and non-game birds, all funds of the State of Montana, collected or acquired for that purpose, whether arising from state appropriations, licenses, fines, gifts, or otherwise, all sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this state, from appropriations, or received by the Commission from any other sources are hereby appropriated to and placed under control of the Montana

General powers
and duties of
commission.

Expenditure
of funds.

Discharge of
employees.

Disposal of
property.

Maintenance
of hatcheries.

Extermination
of predatory
animals.

Introduction
of game.

Waterfowl
food.

Fish ladders
and screens.

Fish and Game Commission. It shall have power to discharge any appointee or employee of such Commission for cause at any time. It shall have full power and authority to dispose of all property owned by the State of Montana, used for the protection, preservation and propagation of fish, game and fur-bearing animals, and game and non-game birds, which shall have been found to be of no further value or use to the State, and shall turn over proceeds arising therefrom to the State Treasurer to be by him credited to the State Fish and Game Fund. It shall have full power and authority to use so much of the Fish and Game Funds of the State as may be necessary for the construction, maintenance, operation, upkeep, and repair of fish hatcheries, game farms, or other property or means and appliances for the protection and propagation of fish, game and fur-bearing animals, or game or non-game birds in the State of Montana, and it shall have the authority to appropriate moneys from the funds at its disposal for the extermination or eradication of predatory animals that destroy fish, game, or fur-bearing animals, or game or non-game birds. It shall have authority to provide for the importation of game birds and game and fur-bearing animals, and for the protection, propagation, and distribution of such imported or native birds and animals. It shall have authority to spend so much of the State Fish and Game Funds as may be necessary to introduce and propagate wild waterfowl food and for that purpose may secure expert advice as to what kinds of waterfowl foods are adapted to the climate, soil, and waters of this State. It shall be its duty to furnish plans for, and to direct and compel the construction and installation and repair of fish ladders upon dams and other obstructions in streams which, however, shall be installed and maintained at the expense of the owners of said dam or other obstruction. It shall have the authority to purchase and maintain at the expense of the State Fish and Game Fund suitable fish screens or fish wheels, or other devices, to install them in irrigating ditches to prevent fish entering said ditches. It shall have authority to locate, lay out, construct and maintain nurseries and rearing ponds where fry can be planted, propagated and reared, and when of suitable sizes, liberated and distributed in the waters of this state, and may expend from the State Fish and Game Funds such sums as may be necessary for this purpose. It shall have authority

to acquire by gift, purchase, capture, or otherwise, any fish, game, game birds, or animals, for propagation, experimental or scientific purposes. It shall have authority to divide the state into fish and game districts, and to create fish, game, or fur-bearing animal districts throughout the State of Montana and to declare closed seasons for hunting, fishing, or trapping in any of said districts, so created, and later to open said districts to hunting, fishing, or trapping. It shall have authority to declare a closed season on any species of game, fish, or game birds, or fur-bearing animals threatened with undue depletion, from any cause, and to close any area or district or any stream, public lake, or public water, or portions thereof, to hunting, trapping, or fishing, for limited periods of time, when such action is necessary to protect recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations, or to prevent the undue depletion of fish, game, and fur-bearing animals, and game and non-game birds, and later to open the same upon consent of a majority of the property owners affected. It shall have authority to establish game refuges for the purpose of providing safe sanctuaries in which game and fur-bearing animals or game or non-game birds may breed and replenish. Such refuges shall be established by order of the Commission upon the petition and proper showing that such action is, in judgment of the Fish and Game Commission, necessary and in the best interest of the wild life within the area, to be included within such refuge, it being the purpose of this provision to establish small refuges rather than large preserves or rather than to close large areas to hunting or trapping. It shall have authority to designate and protect certain areas as resting, feeding and breeding grounds for migratory birds, in which hunting and molestation shall be forbidden; it being the purpose of this provision not to interfere unduly with the hunting of water-fowl, but to provide havens in which they can rest, feed, and breed without molestation. After petition has been duly filed with the Secretary of the Commission, praying that an area shall be set aside as a game refuge or haven, the said Secretary shall immediately publish a notice in a paper of general circulation in the county in which said area is proposed, that a hearing in connection therewith will be held at such place in said county as may be designated on a day not less than fifteen (15) days from

Acquire animals for experimental purposes.

Fish and game districts.

Closed seasons and waters.

Game refuges.

Refuges—how created.

Rest grounds.

Hearing on setting aside area.

the date of the first publication, to be specified in said notice, at which time and place all interested parties shall have the right to appear and be heard. It shall have authority to establish and maintain an educational and biological department of their work for the collection and diffusion of such statistics and information as shall be germane to the purpose of this Act. Said Commission shall, in addition to the powers heretofore granted, have such other and further powers as may be necessary to fully carry out the purpose and intent of all the laws pertaining to fish, game, and fur-bearing animals, game and non-game bird propagation, protection, conservation, and management of this Act."

Section 3. "That Section 3655 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 3655. State Fish and Game Warden, Qualifications, Duties. The State Fish and Game Commission shall appoint and employ a State Fish and Game Warden, who shall continue in the office at the pleasure of said Commission. He shall be a person having experience, special training and skill in wild life protection, conservation, and management. He shall be the Secretary of the State Fish and Game Commission, attend the meetings of said Commission, and keep a correct record of all of its transactions. He shall be the administrative head of the State Fish and Game Department, custodian of its property and records, and shall maintain his office at the seat of the State Government. He shall devote all of his time to his official duties, and such State Fish and Game Warden shall have all the powers and duties which are now or may hereafter be by law conferred upon and delegated to the State Game Warden or the State Fish and Game Warden. His powers and duties shall include those of a Deputy State Fish and Game Warden hereinafter enumerated. He shall be subject to the supervision and control of said Commission and may be removed from office by said Commission for neglect of duty, incompetency, or other good cause. The State Fish and Game Warden shall be paid a salary fixed by the Commission of not to exceed Three Thousand Dollars (\$3,000.00) per year, and in addition thereto shall be allowed his actual and necessary traveling expenses while away from the seat of government upon official business connected with his office; pro-

vided, however, that in no instance shall he be allowed as expenses in excess of Two Thousand Dollars (\$2,000.00), in any one year, the same to be paid upon proper vouchers from the Fish and Game Fund of the State."

Section 4. That Section 3656 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 3656. Deputy Fish and Game Warden—Appointment. The State Fish and Game Warden shall have power to employ, and appoint a number of deputy state fish and game wardens for the proper enforcement of the fish and game laws of the State, or for such purposes as the Commission may direct who shall be peace officers and hold their offices for such time as the Warden may direct, and who may be removed from office by said Warden at any time for cause. The said Warden shall assign to each Deputy State Fish and Game Warden, appointed or employed the territory or district in which he is to perform his duties and work, which may be changed at any time by said Commission. Said deputy fish and game wardens shall perform their duties at the direction of, and subject to, the supervision and control of the State Fish and Game Commission and the State Fish and Game Warden; provided, however, the Commission may employ for a limited period of time, special Deputy Game Wardens to patrol said districts and enforce the game and fish laws of the State of Montana therein, and to perform such duties in said districts as may be prescribed by said Commission for the limited time for which they are so employed; and further, such special Deputy Game Wardens shall receive in compensation such amounts as the Commission may allow per day for services rendered and actual expenses."

Deputy fish and game wardens—appointment.

Duties.

Special deputy game wardens.

Compensation.

Section 5. That Section 3659 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 3659. Deputy State Fish and Game Wardens, Qualifications, Duties. The Deputy State Fish and Game Wardens employed and appointed by virtue of this Act shall be persons who have had experience, training, and skill in protection, conservation, and propagation of wild life, game, and fur-bearing animals, fish and

Deputy state fish and game wardens.

Qualifications and duties.

game birds, and who shall be interested in said work; they shall devote all of their time for which they are appointed, to their official duties, it shall be their duty to see that the laws of the State of Montana and the laws, orders, rules and regulations of the State Fish and Game Commission with reference to the protection, preservation and propagation of game and fur-bearing animals, fish and game-birds are strictly enforced; it shall be their duty to see that all those who hunt, fish, or take game, or fur-bearing animals, game birds, or fish, have necessary licenses. They shall have authority to serve subpoenas issued by any court for the trial of offenses against any of the fish and game laws of the State; they shall have authority to make a search, when they have reasonable cause to believe that any of the game, fish, birds, or quadrupeds, or any parts thereof, have been killed, captured, taken or possessed, in violation of the laws of this State, and without search warrant, to search any tent not used as a residence, boat, car, automobile, or other vehicle, box, locker, basket, creel, crate, gamebag, or other package and the contents thereof to ascertain whether any of the provisions of the laws of this State or the rules and regulations of the Fish and Game Commission, for the protection, conservation or propagation of game and fish or game birds or fur-bearing animals have been violated, and with a search warrant to search and examine the contents of any dwelling house or other building, to seize and confiscate all game, fish, game-birds, and fur-bearing animals or any parts thereof, possessed in violation of the law, or the orders, rules and regulations of the Commission, or showing evidence of illegal taking, and seize and confiscate all devices used in the taking of game and fur-bearing animals, fish or game birds illegally, and to hold the same subject to law or the orders of said State Fish and Game Commission; to arrest without warrants any persons committing in their presence any offense against the Fish and Game Laws of the State of Montana, or against any orders, rules and regulations of the Commission violation of which has been made a misdemeanor by the provisions of this Act, and to arrest without warrant any person who they have reasonable and probable cause to believe has committed any such offense and to take such person immediately before a magistrate having jurisdiction of the same, and to exercise such other powers of peace officers in the

Licenses.

Subpoenas.

Searches.

Purpose of.

Powers for searching.

Arrest.

enforcement of the Fish and Game Laws of the State, and the orders, rules and regulations of the Commission, or of judgments obtained for the violation thereof, not herein specifically provided. It shall be their duty at all times to assist in the protection, conservation and propagation of fish, game, and fur-bearing animals, game and non-game birds, and to assist in the planting, distributing, feeding and caring for fish, game and fur-bearing animals, and game and non-game birds; it shall be their duty when ordered by the State Fish and Game Commission, to assist in the destruction of predatory animals, birds, and rodents; it shall be their duty to do and perform all other duties prescribed from time to time by the State Fish and Game Commission, and to make a monthly report to said Commission correctly and truthfully informing the said Commission of just what each said Deputy Fish and Game Warden has done during each day of the preceding month, with regard to the enforcement of the Fish and Game Laws of this State, showing where his duties called him, and what he was called upon to do, and said report shall contain any pertinent recommendations said Deputy may see fit to make. No Deputy or Special Deputy Fish and Game Warden shall have authority to compromise or settle out of court, any violations of the State Fish and Game Laws."

Assist in planting, protection, etc.

Other duties.

No authority to compromise.

Section 6. That Section 3661 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 3661. Deputy State Fish and Game Wardens; Removal, Rating, Salary, Etc. The State Fish and Game Commission shall have power to remove, suspend without pay, to reduce in rank, to act as a trial board in hearing and passing upon charges against Deputy State Fish and Game Wardens, and to rate all such deputies on the basis of merit and efficiency, in accordance with such rules and regulations as it may adopt to secure a proper rating of Deputy State Fish and Game Wardens or to carry out the provisions of this Section. It shall rate all Deputy State Fish and Game Wardens on the basis of merit and efficiency in three grades, to be known as the first, second, and third grades. Any Deputy in the first and second grade shall not be removed unless furnished with reason for removal and given a hearing in his own defense. The salary of the Deputy

Deputy state fish and game wardens, removal of.

Grades.

Removal of 1st and 2nd grade.

Salary.	State Fish and Game Wardens shall be One Hundred Twenty-five Dollars (\$125.00) per month; provided, that each Deputy State Fish and Game Warden, who shall have rated in the first grade for a full year shall receive increased salary at the rate of Ten Dollars (\$10.00) per month, and for each year thereafter in which he shall so qualify he shall receive a like increase until he receives the sum which shall be at the rate of Eighteen Hundred Dollars (\$1800.00) per annum, and that each Deputy State Fish and Game Warden who shall have been rated in the second grade for a full year, shall receive increased salary at the rate of Five Dollars (\$5.00) per month, and for each year thereafter in which he shall so qualify, he shall receive a like increase until he receives the sum which shall be at the rate of Sixteen Hundred Fifty Dollars (\$1650.00) per annum; but the Commission shall have power in its discretion for cause shown, to cancel such increase or any part thereof on the failure of any such Deputy Fish and Game Warden receiving such increase, to qualify for the first or second grade in any year. Each Deputy State Fish and Game Warden shall be allowed his actual and necessary traveling expenses while away from his place of residence, upon official business connected with his office, not exceeding the sum of Six Hundred Dollars (\$600.00) per annum, except when a sum in excess thereof shall have been actually and necessarily expended upon the order of the State Fish and Game Warden, said expenses to be approved by him and to be paid upon proper voucher from State Fish and Game Fund."
Increase of 1st class salary.	
Increase of 2nd class.	
Limit of increase.	
Powers to cancel such increase.	
Expenses.	
Excess expenditures.	

Section 7. That Section 3662 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Special deputy state fish and game wardens.	"Section 3662. Special Deputy State Fish and Game Wardens. The State Fish and Game Warden may appoint anyone who is a bona fide resident and citizen of the State as a Special Deputy Fish and Game Warden. Such Special Deputy Fish and Game Warden shall hold his appointment during the pleasure of the Commission, or State Game Warden, and shall have the same powers and duties as other Deputy State Fish and Game Wardens, but shall receive no pay for his service, except that the Commission may in its discretion, allow him his actual and necessary traveling expenses, and all expenses paid by him for transportation, board and lodg-
Powers and duties.	
Expenses.	

ing of persons under arrest for violation of the game, fish and fur-bearing animal laws, orders, rules, or regulations, which, if allowed shall be paid upon proper voucher from the State Fish and Game Fund."

Section 8. That Section 3664 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 3664. Superintendent Of State Fisheries, Appointment and Bond. The State Fish and Game Commission shall have general supervision over all hatcheries in the State, and shall appoint and employ a Superintendent of Fisheries, who shall be a competent person and a skilled fish culturist. He shall act solely under the direction of the State Fish and Game Commission. The output of all State Hatcheries shall be used to stock the lakes and streams of the State and shall be for free and impartial distribution within the State, such distribution to be under the direction of said Superintendent of Fisheries subject to an official order of the Commission. He shall have the power to exchange spawn or fish with other States or persons for distribution in this state. Before entering upon his official duties the Superintendent so appointed and employed by said Commission shall execute and file a bond with the Secretary of State, in the sum of Two Thousand Dollars (\$2000.00) with sureties thereon, approved by the State Treasurer, to the State of Montana, conditioned for the faithful performance of his official duties, and that he will account for and pay over, pursuant to law, all moneys received by him. He shall be reimbursed for the premium on said bond from the Fish and Game Fund of the State, upon presentation of a proper voucher therefor."

Superintendent
of state fish-
eries.

Appointment.

Power and
duties.

Bond.

Section 9. That Section 3665 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 3665. Superintendent of State Fisheries, Salary. The Superintendent of State Fisheries, appointed and employed by the Commission, shall receive for his services a salary to be fixed by the Commission, at not to exceed Three Thousand Dollars (\$3000.00) per year, and his actual and necessary traveling expenses while absent from his place of residence and upon official business connected with his office; provided, how-

Superintendent
of state fish-
eries—salary.

Expenses.

ever, that in no instance shall he be allowed for expenses a sum in excess of One Thousand Dollars (\$1000.00) in any one year, which shall be paid from the State Fish and Game Fund on proper vouchers."

Section 10. That Section 3666 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Superintendent
of state
fisheries.

Powers and
duties.

Collecting
spawn.

Purchase of
eggs.

"Section 3666. Superintendent of State Fisheries, Duties and Powers. The Superintendent of State Fisheries shall have full control of all State Fish Hatcheries and shall be responsible for their construction, maintenance, and operation, subject at all times to an order of the Commission. All such construction work done under contract or otherwise, shall be done under control and supervision of said Superintendent of Fisheries, subject to his acceptance under the direction of the Commission. He shall have charge of the work of taking and collecting all spawn, the hatching of all spawn and eggs, rearing, propagating and distribution of fry, fingerlings and fish, and with the consent of the State Fish and Game Commission, he shall have power and authority to employ such assistance and help as may be necessary in the operating of fish hatcheries of the State, the gathering of eggs, or the performance of any other work in connection with the protection, propagation and distribution of fish and fry. He shall have authority with the consent of the Commission, to purchase so many eyed eggs from time to time, as may be necessary in order to keep the hatcheries of the State supplied with eggs and in full operation, the quality and kind of species of eggs to be determined by the Superintendent or Commission; provided, however, that the said Superintendent shall make every reasonable effort to collect sufficient eggs from the public streams or lakes of this State, to supply said hatcheries, and for that purpose shall have the right and authority to build, equip, and use fish traps and nets at any and all seasons of the year in all the public waters of the State. Said Superintendent shall have authority when authorized to by the Commission, to purchase the eyed eggs of fish not propagated in this State, for the purpose of stocking the waters in this State."

Section 11. That Section 3677 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 3677. Publications. The orders, rules and regulations of the State Fish and Game Commission shall be published and posted in the following manner: Publications of rules and regulations.

(1) Those having general application throughout the State shall be published in such manner and to such an extent as the State Fish and Game Commission deems necessary and may direct. General application.

(2) Those of general or special character having local application only shall be published once in some newspaper having general circulation in the locality or district wherein such rules, regulations, or orders are applicable, and shall be posted in three conspicuous places in the locality or district in which they are applicable. Local application.

Section 12. That Section 3681 of the Revised Codes of Montana of 1921, as amended by Chapter 77 of the Laws of the Eighteenth Legislative Assembly of the State of Montana, 1923, be and the same is hereby amended to read as follows:

“Section 3681. For the purpose of this Act, the following shall be construed, respectively to mean: Definition of terms.

COMMISSION. The State Fish and Game Commission.

PERSON. The plural or singular, male, or female, as the case demands, including individual, associations, partnerships, and corporations, unless the context otherwise requires.

OPEN SEASON. The time during which game birds, fish, game and fur-bearing animals may be lawfully taken.

CLOSED SEASON. The time during which game birds, fish, game and fur-bearing animals may not be lawfully taken.

ANGLING OR FISHING. The taking of, or attempting to take game fish by hook and line or rod in hand.

UPLAND GAME BIRDS. Sharptailed grouse, blue grouse, prairie chicken, sage hen or sage grouse, fool hen, ruffed grouse, commonly called native pheasant or native partridge, quail, Chinese Pheasant and Mongolian Pheasant, commonly called ring-necked Pheasant, Hungarian partridge, ptarmigan, and wild turkey.

MIGRATORY GAME BIRDS. Waterfowl, including

wild ducks, wild geese, brant, and swans; cranes, including little brown, sandhill and whooping cranes; rails, including coot, gallinules, sora and other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, kildeer, sandpipers, Wilson snipes or jacksnipe, snipe, stilts, plovers, willet and yellow-legs; and mourning or turtle dove.

GAME ANIMALS. Deer, Elk, Moose, Antelope, Caribou, Mountain Sheep, Mountain Goat and Bear.

FUR-BEARING ANIMALS. Marten, otter, fox, sable, muskrat, fisher, mink, raccoon, and beaver.

PREDATORY ANIMALS. Coyote, wolf, wolverine, mountain lion, lynx, weasel, skunk and civet cat, black-footed ferret and bobcat.

GAME FISH. Mountain trout, cutthroat or native trout, (*salme Mykiss*) Rainbow trout, *Salmo Irideus*; Eastern Brook trout, (*Salvelinus Fortinalis*); Grayling, (*Thymallus Montanus*); Steelhead trout, (*Salmo Gairdneri*); Dolly Varden trout, (*Salvelinus Malma*); Loch Leven trout, (*Salmo Trutta Levenensis*); Chinook salmon, (*Oncorhynchus Tschawytscha*); Silver salmon, (*Oncorhynchus Kisutch*); Sockeye salmon, (*Oncorhynchus Nerka*); Yellow perch, Ringed perch, (*Perca Flavenescens*); Large mouthed black bass, (*Micropterus Salmoides*); Small mouth black bass, (*Micropterus Dolomieu*); Common sunfish, pumpkinseed, (*Lepomis Gibosus*); Great Northern Pike, Northern Pickerel, (*Esox Lucius*); Pike perch, Wall-eyed Pike, Pike, Yellow Pike, (*Stizostedion Vitreum*).

Section 13. That Section 3682 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 3682. License Required. That it shall be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for any person to take, hunt, shoot, pursue or kill any game, game birds or animals, or take with traps or other devices any fur-bearing animals, or take, capture, or fish for, any fish, or engage in hunting, trapping or fishing within this State except as herein provided, without first having procured a license to do so, and then only during the respective periods of the year when it shall be lawful.

Any person who shall take, fish, hunt, kill, or trap

License .
required.

Misdemeanor
what consti-
tutes.

any fish, game birds, game or fur-bearing animals within this State without securing the necessary license therefor, as in this Act provided shall be guilty of a misdemeanor, and upon conviction, shall be punished as in this Act hereinafter provided. The provisions of this Act with reference to licenses shall not take effect until after April thirtieth (30th), 1925, when present hunting and fishing licenses expire."

Section 14. That Section 3685, of the Revised Codes of Montana, 1921, as amended by Chapter 77, Session Laws, Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

"Section 3685. Fees and Powers Under Licenses. Said applicant, if a resident of the State of Montana and a citizen of the United States shall pay to the officer or person countersigning and issuing the license the sum of Two Dollars (\$2.00), as a license fee, and shall obtain a license of Class A, which shall entitle the holder to hunt, kill, capture, take and possess game, game birds and animals and to fish with hook and line as authorized by this Act.

License fees.

Class A license.

All citizens of the United States who have lived in this State for at least six months, immediately preceding their application for a license, or officers and soldiers of the United States Army shall be deemed resident citizens for the purposes of this section, as well as all officers of the Forest Service and of the Biological Survey of the United States Department of Agriculture.

Resident citizens defined.

Said applicant, if a non-resident of the State, or a resident for less than six (6) months, immediately preceding his application for a license, and a citizen of the United States, shall pay to the officer countersigning and issuing the license, the sum of Thirty Dollars (\$30.00), as a license fee, and shall obtain a license of Class B, which shall entitle him to hunt, kill, capture, take and possess game, game birds and animals, and to fish with hook and line as authorized by this Act; and such non-resident, on like application and on the payment of the sum of Ten Dollars (\$10.00) as a license fee, shall obtain a Class C, license, which shall entitle him to hunt and kill game birds and small game and to fish with hook and line as authorized by this Act; and such non-resident on like application and on the payment of the

Non-resident's license.

Class B license.

Class C license.

Class D license. sum of Three Dollars and Fifty Cents (\$3.50), as a license fee, shall obtain a Class D, license which shall entitle the holder to fish with hook and line as authorized by this Act.

Class E license. Said applicant if an alien, resident or non-resident, shall pay to the officer countersigning and issuing the license the sum of Fifty Dollars (\$50.00), as a license fee, and shall obtain a Class E, license, which shall authorize him to hunt, capture, kill, take and possess game, game birds and game animals, and to fish with hook and line as authorized by this Act; such alien, on the payment of the sum of Ten Dollars (\$10.00), as a

Class F license. license fee, shall obtain a Class F, license, which shall entitle him to fish with hook and line as authorized by this Act; provided, however, that any person in possession of first citizenship papers shall not be considered a resident of the State of Montana, for the purposes of this Act."

Disposal of license fees. All money collected for licenses sold, shall be remitted by the State Game Warden to the State Treasurer to be credited to the Fish and Game Fund.

Class G license for trappers. The applicant for a Class G, license, or trappers license, must be the owner and in possession of a Class A, license, and upon the payment of the sum of Ten Dollars (\$10.00) to the officer to whom the application for a Class G license is made shall receive and obtain a Class G or trappers license which shall authorize the holder thereof to trap fur-bearing animals within the State at such times and in such manner as may be lawful so to do by the laws of this State, and the regulations of the Fish and Game Commission, and at such places as may be designated in said license.

Penalty for violation of act. Any person violating any of the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

Apportioning of license fee. Twenty-five cents (25c) out of every fishing and hunting license fee collected shall be set aside as a fund to be used by the Fish and Game Commission for the destruction of predatory animals. The sum of Seven Thousand Five Hundred Dollars (\$7,500.00) of said fund shall be transferred therefrom on or before January first of each year to the Bounty Fund of the State, to be used to pay bounty on predatory animals, as provided by law. Said sum of Seven Thousand Five Hundred Dollars (\$7,500.00) shall be matched with a like sum of

Predatory animals.

Bounty fund.

the said Bounty Fund money derived from the tax on livestock now provided by law, and said total sum of Fifteen Thousand Dollars (\$15,000.00) or such part thereof as may be necessary, shall be expended for payment of bounties on predatory animals. In the event that there shall be any unexpended portion of said Fifteen Thousand Dollars (\$15,000.00) at the close of any bounty paying season of any year, fifty per cent of such unexpended balance shall be retransferred to the fund for the destruction of predatory animals created herein. Nothing herein contained shall be so construed as to prevent the Livestock Commission from expending from the Bounty Fund any part thereof in excess of Fifteen Thousand Dollars (\$15,000.00), which may be necessary for the purpose of paying bounties; provided, that any person over fourteen and not over eighteen years of age, the holder of a Class A, license, may trap fur-bearing animals within the State at such times and in such manner as may be permitted by law or regulation."

Payment of bounties on predatory animals.

Destruction of predatory animals.

Proviso:

Section 15. That Section 3694 of the Revised Codes of Montana, 1921, as amended by Chapter 77, Session Laws, Eighteenth Legislative Assembly, State of Montana, 1923, be, and the same is hereby amended to read as follows:

"Section 3694. Manner of Taking Fish and Game. It shall be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot, or kill any game or fur-bearing animals or game birds from any automobile or by the aid or with the use of any set-gun, jack light, or other artificial light, trap, snare or salt lick, nor shall any such set-gun, jack light, or other artificial light, trap, snare, salt lick, or other device to entrap or entice game animals or game birds be used, made or set; provided, however, that this does not prohibit the shooting of wild waterfowl from blinds or over decoys with a gun only, not larger than a number 10 gauge, fired from the shoulder; nor shall game birds or game animals be killed or hunted from an aeroplane, power boat, sailboat, or any boat under sail or any floating devices towed by a power boat or sailboat; nor shall any person take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any

Regulation of taking fish and game.

Use of certain devices prohibited.

Size of gun.

Power boats, etc.

Silencing devices.

Dogs, regula-
tion of use.

firearm, whether such device or mechanism be operated from or attached to any firearm; nor shall any person chase or run with dogs any of the game or fur-bearing animals as defined by the fish and game laws of this State, provided, however, that a person make take game birds and small game animals during the open season therefor, with the aid of a dog and any person or association organized for the protection of game, may run field trials at any time upon obtaining written permission from the State Fish and Game Warden.

Day's catch,
limit of, weight
and number.

It shall hereafter be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to capture or take from the public waters of this State more than forty (40) fish in the aggregate, with a net weight of twenty (20) pounds and one (1) fish in any one day, of the variety of fish designated herein as game fish, nor more than five (5) such game fish which are less than seven (7) inches in length, except sunfish, yellow perch, ring perch, and bass, in any one day. It is hereby declared to be the intention of this Act to provide that forty (40) fish, with a net weight of not more than twenty (20) pounds and one (1) fish of any and all the game fish, shall constitute the limit for a day's fishing. It shall be unlawful and a misdemeanor, punishable accordingly, for any person to be in the possession of more than (5) game fish which are less than seven (7) inches in length, or more than forty (40) fish in the aggregate, or more than twenty (20) pounds net and one (1) fish of any and all kinds of game fish at any one time; this section shall apply to both fresh game fish, and to game fish which have been dried, salted or otherwise cured, except that any person legally entitled to take game fish as herein provided may also have in his possession dried, salted or otherwise cured game fish not to exceed twenty-five (25) pounds in addition to the daily limit of fresh game fish herein provided for; provided, however, that it will be lawful to catch whitefish and ling in the Yellowstone and Missouri Rivers, and ling in the Kootenai River, at any season of the year, with hook and line only.

Methods
allowed.

Game fish shall be taken only by angling, that is by hook and line in hand, or rod in hand; this does not prevent, however, the use of a landing net or gaff to land a game fish, after the same has been hooked by angling as above specified, nor does it prevent the tak-

ing of minnows other than game fish variety by the use or aid of a small hand net.

It shall be unlawful to catch any game fish through the ice, except in such waters as are designated under proper order of the State Fish and Game Commission. In case any game fish is unintentionally taken contrary to the prohibitions or restrictions contained in this Act, such fish shall be immediately liberated and returned to the water without unnecessary injury. Any person who shall take, capture, shoot, hunt, or kill any fish, game, game birds or fur-bearing animals of this State in any manner contrary to the provisions of this Act, shall be deemed guilty of misdemeanor, and on conviction, shall be punished accordingly; providing, however, that it shall be unlawful and a misdemeanor, punishable accordingly, for any person between the fifteenth (15) day of March and the twentieth (20) day of May, both dates inclusive, of the same year, to catch or attempt to catch, in the public waters of this State any fish whatsoever, except when license has been given to seine or net carp, buffalo and suckers, provided, however, the Fish and Game Commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions.

Fishing
through ice.

Penalty.

Proviso:

Changing of
closed seasons.

Section 16. That Section 3696 of the Revised Codes of Montana, 1921, as amended by Chapter 77, Session Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be, and the same is hereby amended to read as follows:

“Section 3696. Open Season for Elk. The open season for elk shall begin October fifteenth (15th) and end November fifteenth (15th), both dates inclusive, of each year. The closed season for elk shall begin November sixteenth (16th) of each year, and end October fourteenth (14th) of the following year, both dates inclusive. During the open season for elk it shall be unlawful for any person to shoot, or kill, or cause to be shot, or killed more than one (1) elk. During the closed season for elk it shall be unlawful to hunt, shoot, kill, or capture or cause to be shot, killed or captured any elk. It shall be unlawful for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food; provided, also that it shall be unlawful and a misdemeanor, punishable as in this Act provided, for any person at any time to hunt

Open season for
elk—regulation
of killing.

Closed seasons.

for, shoot, kill, or capture, or cause to be shot, killed or captured, any elk within the limits of the counties and the parts of counties hereinafter described and which are designated hereby as "Preserve for Elk", the same to remain closed until opened by the State Legislature, or by order of the State Fish and Game Commission.

Preserve for elk.

Whole counties
forbidden.

The following named counties, as a whole: Deer Lodge, Fergus, Choteau, Valley, Golden Valley, Daniels, Roosevelt, Fallon, Wibaux, Richland, Granite, Phillips, Stillwater, Sanders, Silver Bow, Broadwater, Musselshell, Hill, Sheridan, Judith Basin, McCone, Big Horn, Lincoln, Rosebud, Mineral, Beaverhead, Powder River, Garfield, Carbon, Cascade, Meagher, Blaine, Yellowstone, Liberty, Carter, Custer, Prairie, Dawson, Toole, Ravalli, Treasure, Wheatland, Lake, and Sweet Grass.

Portion per-
mitted in Lewis
and Clark.

All of Lewis and Clark County, except that portion lying and being within the following described boundaries: Beginning at a point where the Big Blackfoot River intersects the county line between Lewis and Clark and Powell counties, running thence up the north bank of the Blackfoot River to the mouth of Cadotte Creek, thence up Cadotte Creek to the top of the Continental Divide, thence northerly along the Continental Divide to Scapegoat Mountain where the headwaters of the North Fork of the Blackfoot begin, thence down the North Fork of the Blackfoot River to its intersection with the county line between Lewis and Clark and Powell counties, thence along the said county line to the point of beginning; also that portion of Lewis and Clark County lying north of the North Fork of the Dearborn River not included within a game preserve.

Season.

Provided, however, that in the last preceding described territory in Lewis and Clark County the open season shall begin November first (1st) and end November fifteenth (15th), both dates inclusive, each year.

Portion per-
mitted in Mis-
soula and Powell.

Also all of Missoula and Powell Counties, except the drainage area of the Clearwater River and its tributaries and that portion of said counties north of the Big Blackfoot River and east of the drainage area of the Clearwater River and except that portion of Missoula County within the drainage area of Swan River and its tributaries, and except that portion of Missoula and Powell Counties within the drainage area of the South Fork of Flathead River and its tributaries.

Provided, however, that all of Gallatin County shall be open to elk hunting during the dates herein specified, except that portion lying north of the township line between townships three and four north.

Gallatin county.

Provided, however, that all of Jefferson County shall be open to the hunting of bull elk carrying visible horns between the dates of November 12th and November 14th, both dates inclusive.

Jefferson county.

Provided, further, that nothing herein shall be construed to authorize the hunting of game of any kind within the Spotted Bear Game Preserve, the Sun River Game Preserve, or the Gallatin Game Preserve, or any other game preserve or refuge now established or which may hereafter be established by the State Legislature or by orders of the Fish and Game Commission.

Preserves not open.

Provided, further, that elk may be killed as provided herein, in the County of Park, up to and including the twentieth (20th) day of December of any year, except that the State Fish and Game Commission shall, in its discretion, have power to shorten such season and declare said Park County closed to the hunting or killing of elk at any time during the open season in Park County, upon giving no less than five (5) days notice thereof by publishing such notice in at least one newspaper of general circulation published in said Park County, which said publication shall be at least five (5) days prior to the time fixed by such commission for the closing of such season. And provided, further, that it shall be unlawful and a misdemeanor, punishable as in this section provided, for any person to shoot or kill or attempt to shoot or kill any elk in Park County between the hours of Five (5) P. M. of any day and Eight (8) A. M. of the following day, Mountain Time. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not less than thirty (30) days or not more than six (6) months, or by both such fine and imprisonment."

Park county.

Notice to close.

Misdemeanor to kill at night.

Penalties for violation.

Section 17. That Section 3697 of the Revised Codes of Montana, 1921, as amended by Chapter 77, Session Laws, Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

Deer—open
and closed
season for.

Ravalli county
exception.

Counties
forbidden.

Bucks—regula-
tion of killing.

Exceptions.

Penalty for
violation.

“Section 3697. Open Season for Deer. The open season for deer shall begin October 15th and shall end November 15th, both dates inclusive, of each year. The closed season for deer shall begin November 16th of each year and end October 14th of the following year, both dates inclusive; provided, however, that in all of that portion of Ravalli County drained by the West Fork of the Bitter Root River, the open season for deer shall begin with the 20th day of September and end with the 20th day of October, both dates inclusive, of each year, and provided further, however, that it shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to shoot, hunt, kill, take, or capture, or cause to be shot, killed, taken, or captured any deer, at any time within the counties of Yellowstone, Rosebud, Custer, Musselshell, Powder River, Carter, Richland, Roosevelt, McCone, Dawson, Carbon, Teton, Phillips, Prairie, Garfield, Treasure and Valley, and within all of that portion of Fergus County lying north of the township line between township 18 and 19 and east of the range line between ranges 24 and 25 in said county, also all of Glacier and Pondera Counties lying within the Lewis and Clark National Forest; and also all of that portion of Gallatin County lying and being north of the south line of township 4 north, M. P. M.

During the closed season for deer it shall be unlawful for any person to take, hunt, shoot, kill, or capture, or cause to be taken, hunted, shot, killed or captured any deer; during the open season for deer it shall be unlawful for any person to shoot or kill or cause to be shot or killed any deer other than one male deer with horns not less than four (4) inches in length above the top of the skull. Provided, however, that it shall not be unlawful to take one deer of either sex in Mineral, Lake, Flathead, Lincoln, Sanders and Ravalli Counties. It shall also be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for any person responsible for the death of any deer to wilfully waste any portion or portions of said deer suitable for food.

Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in this Act hereinafter provided.”

Section 18. That Section 3698 of the Revised Codes

of Montana, 1921, be and the same is hereby amended to read as follows:

“Section 3698. Destroying Evidences of Sex, a Misdemeanor. Any person killing any deer within this State who shall destroy such evidence of the sex of the deer so killed, as to make the determination of the sex thereof uncertain, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as in this Act hereinafter provided.”

Destroying
evidence of sex.

Misdemeanor.

Section 19. That Section 3699 of the Revised Codes of Montana, 1921, as amended by Chapter 77, Session Laws, Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

“Section 3699. Closed Season for Rocky Mountain Sheep and Goats. The entire State of Montana is hereby closed to the shooting, killing, taking, or capturing of any Rocky Mountain sheep or goats; provided, however, that the State Fish and Game Commission shall have the jurisdiction, power, and authority to open for limited periods of time any county in the State or any portion thereof to the shooting, killing, taking, or capturing of any Rocky Mountain sheep or goats, and to establish bag limits. During the closed season for said Rocky Mountain sheep or goats herein named, which said closed season shall be all of that season or period of the year and not declared and ordered open by said Commission, it shall be unlawful, and a misdemeanor for anyone to shoot, kill, take, or capture, or cause to be shot, killed, taken, or captured any of the Rocky Mountain sheep or goats of this State, and any one violating any of the provisions of this section or the orders, rules, or regulations of the Commission relating hereto shall be guilty of a misdemeanor and upon conviction thereof shall be fined by a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00), or not less than ten (10) days imprisonment in the county jail nor more than ninety (90) days imprisonment in the county jail, or by both such fine and imprisonment.”

Closed season
for Rocky
Mountain Sheep.

Violation
penalty for.

Section 20. That Section 3700 of the Revised Codes of Montana, 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

Closed season
for certain
game birds.

Violation
penalty for.

Open and
closed season
for grouse.

Violation
penalty for.

No. birds in
possession.

Violation
penalty for.

“Section 3700. Closed Season for Certain Game Birds. Any person who, at any time within this State, hunts, shoots, kills, captures, or causes to be shot, killed, or captured, any quail or Chinese or Mongolian pheasant, commonly called ring-necked pheasants, Hungarian partridge, or ptarmigan, or has in his possession any such bird, or any part of any such bird, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment.”

Section 21. Open and Closed Seasons for Grouse. The open season for sharp tailed grouse, blue grouse, ruffed grouse, commonly called pheasant or partridge, prairie chicken, sage hen, sage grouse, or fool hen, shall begin on the Fifteenth (15th) day of September of each year and end on the Twenty-fourth (24th) day of September of the same year, both dates inclusive. The closed season for the game birds named herein shall begin on the Twenty-fifth (25th) day of September of each year and end on the Fourteenth (14th) day of September of the following year, both dates inclusive. During the open season for the game birds named herein it shall be unlawful for any person in any portion of the State of Montana to shoot, kill, or capture, or cause to be shot, killed or captured more than five (5) sharp tailed grouse, blue grouse, ruffed grouse, commonly called pheasant or partridge, prairie chicken, sage hen, sage grouse or fool hen in the aggregate of all kinds in any one day: it shall be unlawful for any person to have in his possession more than five (5) of any such birds in the aggregate of all kinds at any one time. During the closed season for the game birds herein named it shall be unlawful to shoot, kill or capture, or cause to be shot, killed or captured any of the game named herein. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly, provided, however, that the Commission shall have the power to advance the date of the open season on sage grouse in certain counties when said commission feels convinced that such change is necessary and meets with the approval of the sportsmen and property owners in such community; Provided, however, it shall be unlawful to kill grouse in Toole County at any time.

Section 22. That Section 3704 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Session Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

“Section 3704. Open Season for Fur-Bearing Animals. Any person who between the first (1st) day of May of any year and the first (1st) day of November of the same year, shoots, traps, kills, or captures, or causes to be shot, trapped, killed, or captured, or attempts to shoot, trap, kill or capture any marten, otter, fox, sable, mink, muskrat, or fisher, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as in this Act hereinafter provided. Provided, however, that when it is shown that muskrats are doing severe injury upon, or are a menace to, the structures, canal banks, or other works of an irrigation project or district, any resident land owner on such project or district may kill or trap, or cause to be killed or trapped any muskrat upon or in menacing proximity to the structures, canal banks or other works of such project or district during the closed season on muskrats, after having secured from the State Fish and Game Warden a permit so to do, except that from June 1st to August 31st, both dates inclusive, of each year, no such permit shall be required. The furs and hides of such animals, legally taken during the open season, may be possessed, bought and sold at any time.

Open season
for fur-bearing
animals.

Muskrat
exception.

It shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to shoot, trap, kill, or capture, or cause to be shot, trapped, killed, or captured, or to attempt to shoot, trap, kill, or capture any marten until such time as the Commission shall provide an open season on marten, and any person violating the provisions hereof shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as in this Act hereinafter provided.

Marten ex-
ception.

It shall be unlawful and punishable as in this Act hereinafter provided, for any person at any time to destroy, open or leave open, or partially destroy, the house of any muskrat or beaver.”

Destruction
of muskrat
house or beaver.

Section 23. That Section 3706 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Penalties.
For violation of
the state fish
and game laws.

"Section 3706. Penalties. Any person found guilty of a violation of any of the terms of this Act, or of any other violations of the State Fish and Game Laws of the State of Montana, or of the rules, regulations, or orders of the Commission, if the same is defined as a misdemeanor under the terms hereof, shall, unless the punishment is otherwise defined and set forth, be punished by a fine of not less than Twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not less than ten (10) days, nor more than one hundred eighty (180) days, or by both such fine and imprisonment, and in addition thereto, shall, in the discretion of the court, forfeit his license to hunt, fish or trap within this state for a period of one (1) year from date of conviction."

Section 24. That Section 3717 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Use of explosives or poison
prohibited.

"Section 3717. Use of Explosives or Poison Prohibited. If any person or persons shall use any giant powder or other explosive compounds, or any corrosive or narcotic poison, or other deleterious substance for the purpose of catching, stunning, or killing fish, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term of not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment."

Penalty for
violation.

Section 25. That Section 3714 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Catch fish with
anything other
than line and
pole.

"Section 3714. Catching Fish except with Pole, Line and Hook—Use of Seines—Licenses to Use Net—Penalties. Every person who takes or catches in any of the streams, lakes, or ponds of this State, except with a pole in hand, line and hook, or any person who takes or catches fish with a hook baited with any poisonous substance or by means of dams, or by the use of fish-traps and grab-hooks, seines or similar means for catching fish, is guilty of a misdemeanor. It shall be, however, lawful to use a seine in the Missouri River and also in the Yellowstone River, except in that portion of said

Seine in Missouri
River and Yellowstone.

river above its confluence with the Big Horn River; provided said seine has a mesh not less than one and one-half (1½) inches square.

It shall be unlawful, however, to use a seine of less than two and a half (2½) inch mesh in the following waters: Lake Francis in Pondera County, and Lake Bowdoin and the Nelson Reservoir in Phillips County. All fish so taken by seine, except suckers, buffalo, German carp and squaw fish, shall be returned to the waters from which they are taken, uninjured. Any person desiring to use a net or seine for the purpose of catching fish, not herein designated as "Game Fish" in any of the lakes, ponds, rivers or streams above mentioned, shall make application to the State Game Warden for a license so to do, stating therein the lake, river, pond or stream, in which applicant wishes to catch fish by use of said net or seine; whereupon the said State Game Warden may, in his discretion, and upon the payment of a license fee of Ten Dollars (\$10.00) issue to the applicant a license authorizing said applicant to use one (1) seine in any of the rivers, streams, ponds or lakes, above mentioned, as applied for, and the State Game Warden shall issue with each license a metal tag, having a number thereon corresponding with the number of the license issued to such applicant, which shall be by the license, attached to the seine so used, and shall remain on said seine during the time of use, and it shall be unlawful to use any net or seine unless said tag is attached as herein provided, and parties thus engaged must have the necessary license. Said license shall authorize the person to whom issued to use the same for the purpose of catching and selling any fish not herein named as "Game Fish." And the licensee shall make monthly reports of fish caught to the State Game Warden. The license herein provided for may be issued and remain in force for the term of one (1) year from and after the date of issue, and shall authorize the holder to ship fish to any point, and may, for cause, be revoked at any time by the State Game Warden.

Use of seine in certain waters.

License so to do.

Amount of.

What license shall authorize.

Term of.

Said license shall be in substantially the following form:

License to Net Fish No.....
Helena, Montana,

Office of the State Game Warden.

This will certify that I hereby license.....

Form of license.

of.....County of.....State of
Montana, to take by means of a net, fish from the waters
of that certain lake, river, stream, or pond, known as
and called.....in.....County,
Montana, for a period of one year; and that when said
fish are so taken, that the said.....
may ship to any point.

Other contents
of license.

This license allows the taking of fish by means of a
net having not less than two and one-half (2½) inch
mesh in the waters above named; and that all fish de-
fined by the laws of Montana as "Game Fish" shall be
returned to the waters from which they were taken with-
out injury.

Witness my hand this.....day of
.....19.....

State Game Warden.'

Penalty for
violation.

Proviso.

Any person violating the provisions of this Section,
upon conviction, shall be guilty of a misdemeanor, and
punished accordingly; provided, however, it shall be
lawful to use a seine in Flathead Lake for taking of
non-game fish and Dolly Varden Trout and Black Bass,
all seining in said lake to be done under rules and regu-
lations prescribed by the Commission, and under the
supervision of said Commission, and all such non-game
fish and Dolly Varden Trout and Black Bass so taken
may be possessed and sold in such manner and under
such restrictions as the Commission may direct."

Section 26. That Section 3725 of the Revised Codes
of Montana of 1921, be, and the same is hereby amended
to read as follows:

Evidence
prima facie.

"Section 3725. The possession of dead bodies, or any
part thereof, of any of the game fish, game birds, game
or fur-bearing animals defined by the Fish and Game
Laws of the State of Montana, shall be prima facie evi-
dence that such person or persons in whose possession
the same are found have killed, caught, or taken the
same, and the possession of a fishing rod and line on
the banks or shores of a stream or lake shall be prima
facie evidence that the person or persons in whose pos-
session the same are found was using the same to fish."

Section 27. That Section 3727 of the Revised Codes

of Montana, be, and the same is hereby amended to read as follows:

“Section 3727. Upon the sale of such property, the officer shall issue a certificate to the party purchasing the same, certifying that the purchaser has the legal right to be in possession of the same, and anyone so acquiring said property from the State shall have the right to deal therewith without further question with respect to violation of the law, anything herein to the contrary notwithstanding.”

Certificate in
case of sale.

Section 28. That Section 3733 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be and the same is hereby amended to read as follows:

“Section 3733. All shippers of fish, game, game or non-game birds, or the skins from fur-bearing or predatory animals or parts thereof, by common carrier, are hereby required to label all packages offered for shipment, such label to be securely attached to the address of the package and plainly indicating the complete contents of said package. All persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction punished as in this Act provided.”

Labeling pack-
ages containing
fish or game.

Section 29. That Section 3735 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

“Section 3735. Any person or person or the agent of any state, express, or railway company, or association or persons who shall receive, for transportation or carriage, or shall sell or offer for sale any of the game fish that have been taken or killed contrary to the provisions of this Act, knowing or having reason to know or believe that such fish were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as in this Act provided; provided, however, that any person having in his possession a fishing license for the current year may ship not to exceed twenty (20) pounds and one fish of the varieties in this Act designated as game fish, by express, stage, or freight, upon showing said license to any such common carrier or to the agent thereof.”

Violation and
penalty for.

Section 30. That Section 3741 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Definitions.

“Section 3741. In the construction of this Act the words “game” and “game birds” or parts of the same, shall be construed to mean the game animals and game birds, the killing of which is restricted or forbidden by the laws of Montana; and the words “merchant”, “hotel and restaurant keeper,” shall include each and every manager, servant, agent, and employer of such person.”

Section 31. That Section 3777 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

License for breeding and propagating game birds, game and fur-bearing animals.

“Section 3777. License for Breeding and Propagating Game Birds, Game and Fur-Bearing Animals. It shall hereafter be lawful for any person or persons, company, or association to engage in the business or occupation of propagating, owning and controlling wild game birds, game and fur-bearing animals of the State of Montana, upon premises wholly owned, leased or controlled by such person or persons, company or association in said State of Montana, under such regulations as may be prescribed by the Fish and Game Commission, and the supervision of said State Fish and Game Warden, upon payment of an annual fee of Five Dollars (\$5.00) any applicant shall file with the Commission, a statement of the place where he will conduct such business, and game and fur proposed to be raised on said premises, and shall for this purpose obtain a permit from the Fish and Game Commission, which permit shall be issued by said Commission, to capture alive in season or out of season such game birds, or game or fur-bearing animals as may be necessary for foundation stock for such game or fur farm. Such permit, however, shall limit the number of game birds or game or fur-bearing animals that may be so captured; the applicant shall be required to show that he has so fenced the place where such game or fur-farm is located that no wild or public animal or bird can mix with those confined by him and when license has been issued and a permit has been given to capture certain fur-bearing animals for foundation stock, said animals shall be subject to the same royalty or tax as the skins of the same animals are subject to. When the provisions of this Section have been complied with the product of such game or fur-farm may be dealt with

Fee.

Limit of permit.

Provisions necessary.

and sold as private property, but every sale must be reported to the State Game Warden, and he shall make an annual report of his said game or fur business to the Fish and Game Commission.

Any person or person who at any time hereafter, in any part of the State of Montana, without the consent of the owner or caretaker of any enclosure within which fur-bearing animals are kept for breeding purposes, and on the fence of which enclosure are kept posted notices forbidding trespassing on the premises where the said animals are kept, and plainly discernible at a distance of not less than twenty-five yards therefrom, shall pass within the said fence or such enclosure or climb over, break or cut through the same for the purpose of entering the said enclosure, or for any other purpose whatsoever, shall be guilty of an offense and liable to the penalty hereinafter provided.

Penalty for
trespassing
enclosure under
permit.

Section 32. That Section 3702 of the Revised Codes of Montana, 1921, as amended by Chapter 77, Session Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, and Sections 3720 and 3721, Revised Codes of Montana, 1921, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 33. If any Section, Sub-Section, Sentence, Clause, or Phrase of this Act is for any reason held to be unconstitutional or inoperative, such decision shall not affect the validity of the remaining portions of this Act.

Section 34. This Act shall take effect, and be in full force and effect from and after its passage and approval.

Approved March 20, 1925.

**APPROPRIATIONS
MEMORIALS AND RESOLUTIONS**

ENACTED BY THE

Nineteenth Legislative Assembly

STATE OF MONTANA

1925

APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 1.

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Nineteenth Legislative Assembly of the State of Montana and Per Diem to the Officers and Attaches of the Nineteenth Legislative Assembly of the State of Montana and for Incidental Expenses of the Nineteenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of Mileage and Per Diem to the Members of the Nineteenth Legislative Assembly of the State of Montana.

One Hundred Ten Thousand Dollars.....\$110,000.00

For the payment of Per Diem to the Officers and Attaches of the Nineteenth Legislative Assembly of the State of Montana.

Forty Five Thousand Dollars.....\$45,000.00

For the payment of Incidental Expenses of the Nineteenth Legislative Assembly of the State of Montana.

Thirty Five Thousand Dollars.....\$35,000.00

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved Jan. 9, 1925.

HOUSE BILL NO. 124.

An Act Appropriating Money for the Purpose of Purchasing Certain Volumes of Montana Reports.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Hundred Dollars (\$300.00) be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of

SESSION LAWS

paying a part of the purchase price of Three Hundred (300) copies of Volume 70 of the Montana Reports, which the State is obligated to purchase from Bancroft-Whitney Company.

Section 2. That the sum of Five Hundred Dollars (\$500.00) be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of purchasing Two Hundred (200) volumes of the Montana Reports from Bancroft-Whitney Company, the same to be selected by the Secretary of State for the purpose of supplying deficiencies in certain sets of the Montana Reports, which are held by the Secretary of State as custodian.

Section 3. This Act shall be in full force and effect from and after its passage and approval, notwithstanding the provisions of Section 8 of the Budget Act, (Section 301 of the Revised Codes of 1921).

Approved Feb. 6, 1925.

HOUSE BILL NO. 168.

An Act to Appropriate Money from the Industrial Accident Fund of the State of Montana for Payment of Additional Compensation on the Claim of Sam Nestor, Which Claim was Disallowed by the Industrial Accident Board Because It was Not Presented Within Six Months Following the Date of the Injury.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty-four hundred fifteen (\$4,415.00) dollars is hereby appropriated out of any monies in the Industrial Accident Fund of the State of Montana, in addition to nineteen hundred seventy-five (\$1,975.00) dollars heretofore appropriated by House Bill No. 323 of the 18th Legislative Session, approved March 7th, 1923, for payment of additional compensation on the claim of Sam Nestor of Billings, Montana, which claim was disallowed by the Industrial Accident Board because said claim was not presented within six months from the date of the happening of the accident.

Section 2. The Industrial Accident Board is hereby authorized to pay out of the Industrial Accident Fund to the said Sam Nestor the said amount.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 26, 1925.

NINETEENTH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 237.

An Act Appropriating Money to Reimburse the Heirs of Tony Early for Loss of Interest on Payments Made to the State Board of Land Commissioners for Purchase of Lands and Loss of Improvements on Said Lands, to Which the State of Montana was Unable to Give Patent and from Which Said Tony Early, as Such Purchaser, was Subsequently Ejected.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Hundred and Fifty Dollars (\$550.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of reimbursing the heirs of Tony Early for loss of interest on payments made by him to the State of Montana, through its State Board of Land Commissioners, as purchase price of lands sold him by the State of Montana, and for loss of improvements placed by him on State lands, to which lands the State of Montana was unable to give patent, and from which said Tony Early was subsequently ejected.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

HOUSE BILL NO. 244.

An Act Appropriating Money for the Payment to School District No. 7, of Madison County, Montana, for Expenses Incurred and Being Incurred in Furnishing High School Training and Education to State Charges and Inmates of the State Orphan's Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Nine Hundred Thirty-eight dollars, (\$938.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying School District No. 7, of Madison County, Montana, on account of expense incurred and to be incurred for the school year 1924 and 1925, in furnishing high school training and education to State charges and inmates of the State Orphan's Home at Twin Bridges, Montana.

Section 2. That the sum of Two Thousand One Hundred Forty-four dollars, (\$2144.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the

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State Treasury not otherwise appropriated, for the purpose of paying and compensating School District No. 7, of Madison County, Montana for actual expense incurred in furnishing high school training and education to certain State charges and inmates of the State Orphan's Home at Twin Bridges, Montana, during the school years of 1919, and 1920, 1920 and 1921, 1921 and 1922, 1922 and 1923, 1923 and 1924.

Section 3. This Act to be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

HOUSE BILL NO. 283.

An Act to Appropriate Money from the Industrial Accident Fund of the State of Montana for Payment of Compensation on the Claim of Oscar G. Haines, Which Claim was Disallowed by the Industrial Accident Board Because It was Not Presented Within Six Months Following the Date of Injury.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Thousand Two Hundred Ninety-one Dollars and Seventy Cents (\$3,291.70) is hereby appropriated out of any monies in the Industrial Accident Fund of the State of Montana for payment of the claim of Oscar G. Haines of Whitefish, Montana, which claim was not presented within six months from the date of the happening of the accident.

Section 2. The Industrial Accident Board is hereby authorized to pay out of the Industrial Accident Fund to the said Oscar G. Haines the said amount.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1925.

HOUSE BILL NO. 353.

An Act Appropriating Money from the State Highway Fund for the Payment of the State's Proportion of the Balance Unpaid for the Construction of a State Highway Known as the Skalkaho Road and Designated as Federal Aid Project No. 161-A.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirty-three Thousand Nine Hun-

NINETEENTH LEGISLATIVE ASSEMBLY

dred Two Dollars and Sixty-five Cents (\$33,902.65) be and the same is hereby appropriated out of any money in the State Highway Fund not otherwise appropriated for the payment to Clifton, Applegate & Toole, of forty-seven per cent, the state's proportion of the balance unpaid for the construction of a State Highway known as the Skalkaho Road and designated as Federal Aid Project No. 161-A.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

HOUSE BILL NO. 380.

An Act Appropriating Money for the Purchase of Farm Land to Be Used in Connection with the Operation of Montana School for the Deaf and Blind.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the purpose of purchasing the Ned Paradis Ranch near Boulder, Montana, consisting of one hundred and sixty (160) acres, more or less, and all improvements thereon, also two irrigation ditches and Four Hundred and Thirty Five (435) inch water right, for use in connection with the operation of the Montana School for the Deaf and Blind. Provided, however, that this act shall be of no force or effect until the State Board of Examiners shall first have examined the land above described, and investigated the necessity for the purchase thereof, and after such examination and investigation, aforesaid, if they shall deem it advisable to purchase the above described land, they are hereby authorized to buy the above described land on the best terms obtainable for the State of Montana in a sum not exceeding the amount above specified.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

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HOUSE BILL NO. 382.

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising from the Operation of Various State Departments and Institutions During the Years Prior to and Closing with June 30th, 1923.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying the following deficiency claims for obligations incurred in the operation of various Departments and Institutions of the State of Montana prior to June 30th, 1923, and for which no appropriation now exists.

For obligations incurred by the District Judges.

One Thousand Two Hundred Ten and 89/100 Dollars.....\$1,210.89

For obligations incurred in the operations of Ortheopedic Commission.

Four Thousand Two Hundred Ninety Eight and 88/100

Dollars\$4,298.88

For obligations incurred in connection with Transportation of Prisoners.

Two Thousand Thirty Nine and 76/100 Dollars.....\$2,039.76
more particularly itemized as follows

To Hill County\$1,327.90

Glacier County 509.98

J. W. Hayden, Sheriff Valley County..... 147.53

F. A. Stokes, Sheriff Pondera County.... 54.35

For Obligations incurred in connection with operation of Montana State Hospital for Insane,

One Thousand Six Hundred Eighty Six and 77/100 Dollars\$1,686.77

more particularly itemized as follows,

Montana Power Company\$1,403.07

Continental Oil Company 283.70

For obligations incurred in the operation of Montana State Prison,

Five Hundred Five and 12/100 Dollars.....\$ 505.12
more particularly itemized as follows,

To Chicago Milwaukee and St. Paul Railway Company\$ 334.03

Ryan Fruit Company 171.09

NINETEENTH LEGISLATIVE ASSEMBLY

For obligations incurred in connection with the Board of Pardons

For advertising in connection with Pardons, Thirty Dollars\$ 30.00

more particularly itemized as follows,

To Post Publishing Company\$ 22.50

Daily Interlake 7.50

For obligations incurred in operations of Board of Entomology, One Hundred Eighty Four and 56/100 Dollars.....\$ 184.56

more particularly itemized as follows,

To W. E. Pollinger\$ 54.06

Frank T. Cowan 130.50

For obligation incurred for salary of Librarian in Historical Library

To Florence Fortune, Seventy Seven and 80/100 Dollars....\$ 77.80

For obligations incurred in operation of Board of Examiners, One Hundred Seventy Two and 41/100 Dollars.....\$ 172.41

more particularly itemized as follows,

To Post Publishing Company\$ 14.91

Great Falls Leader 157.50

For obligations incurred in operation of State Budget office,

To State Publishing Company, Forty Three and 10/100 Dollars\$ 43.10

For obligation incurred in operation of State Land Office

To State Highway Commission, Eleven and 95/100 Dollars..\$ 11.95

For obligation incurred in operation of Experiment Station,

To Dan Hansen, Forty Nine and 10/100 Dollars.....\$ 49.10

For obligation incurred in operation of Industrial Accident Board,

To Helena Stamp Works, Three and 40/100 Dollars.....\$ 3.40

For obligation incurred in operation of Montana State College,

To L. K. Pence Company, Seventy Four and 40/100 Dollars.\$ 74.40

For obligation incurred in operation of Governor's office,

To McKee Printing Company, One Hundred Ten and 45/100 Dollars\$ 110.45

For obligation incurred in the operation of Consolidated Boards One and 98/100 Dollars\$ 1.98

For obligation incurred in operation of Capitol Building,

To Interstate Lumber Company Sixty Five and 09/100 Dollars\$ 65.09

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

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HOUSE BILL NO. 383.

An Act to Appropriate Money for the Refund of Overpayment of
Certain Taxes, Fees, and Other Collections.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed.

(1). For the refund of excess collection of inheritance taxes by the State of Montana,

One Thousand, Nine Hundred, Seventy Nine Dollars.....\$1,979.00
the same being more particularly itemized as follows:

Estate of F. Lothrop Ames.....	\$ 1.66
Estate of Frederick G. Crane.....	3.46
Estate of Robert G. Milne	26.18
Estate of Frank W. Peckham	1.91
Estate of Henry C. Jackson	35.56
Estate of Wm. Beverly Powell	50.75
Estate of Mary C. Brainard	85.46
Estate of Jos. A. O'Leary	48.41
Estate of Herbert L. Crater	1.50
Estate of Agatha J. Slosson	9.64
Estate of Charlotte E. Quimby	2.81
Estate of Charles E. Roe	138.33
Estate of Edward S. Shepherd	36.57
Estate of Sarah L. Winchester	639.59
Estate of Rudolph Koppler	317.98
Estate of Mary H. Brockwell	18.11
Estate of Wm. Edmund Curtis	22.10
Estate of Alfred T. Jones	16.83
Estate of Cornilian Dayton Russell.....	141.78
Estate of David C. Smith	2.28
Estate of John Story Jenks	46.77
Estate of Mahlon H. Swartley	34.72
Estate of Jane B. McKinney	35.12
Estate of Delia S. Avery	25.21
Paul Oscar Nilson, Administrator.....	236.27

(2). For the refund of excess payment to the State of Montana for taxes, fees and other collections,

Two Thousand Two Hundred Sixteen and 16/100 Dollars..\$2,216.16
The same being more particularly itemized as follows:

NINETEENTH LEGISLATIVE ASSEMBLY

Gallatin County	\$ 3.70
Condon Company	41.36
Daniels County	2.55
Minnesota Mutual Fire Ins. Co.....	141.81
Largey Lumber Co.	316.29
Fitchberg Mutual Fire Ins. Co.....	42.31
Marshall-Wells Co.	769.00
Commissioners, Silver Bow County.....	103.03
City of Conrad	115.00
Treasurer, Garfield Co.	5.42
Daniels County	.42
Mill Owners Mutual Fire Ins. Co.....	370.10
C. H. Provin, Treas. City of Belt.....	115.00
Treasurer, Madison County	175.00
Moulton Mining Co.	15.17

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

HOUSE BILL NO. 384.

An Act Appropriating Money for the Operation and Maintenance of Certain of the State Departments of the State of Montana for the Period Beginning July 1st, 1925, and Ending June 30th, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed for the year beginning July 1st, 1925, and ending June 30th, 1926.

THE SUPREME COURT.

(1). For the purpose of paying the salaries and other General Administrative Expenses of the Supreme Court, but not for the purchase of new furniture, fixtures, or other equipment classified generally in the state accounting system as capital expenditures, Forty Nine Thousand Nine Hundred Eighty Dollars.....\$ 49,980.00

(2). For the purpose of paying for furniture, fixtures, and other items for the use of the Supreme Court, classified generally in the state accounting system as Capital Expenditures,
Five Hundred Dollars \$500.00

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(3). For the purpose of paying for the Montana Reports,
Thirty Five Hundred Dollars \$3,500.00

DISTRICT JUDGES.

For the purpose of paying the salaries and other expenses of
the District Judges,
One Hundred Fifty Six Thousand Dollars\$156,000.00

COUNTY ATTORNEYS.

For the purpose of paying the salaries of County Attorneys,
Fifty Three Thousand Dollars \$53,000.00

TRANSPORTATION OF PRISONERS.

For the purpose of paying for the Transportation of Prisoners,
Seventy Five Hundred Dollars \$7,500.00

Section 2. That the following sums or so much thereof as may
be necessary, be and the same are hereby appropriated out of any
moneys in the State Treasury, not otherwise appropriated, for the
objects and purposes hereinafter expressed for the year beginning
July 1st, 1926, and ending June 30th, 1927.

THE SUPREME COURT.

(1) For the purpose of paying the salaries and other General
Administrative Expenses of the Supreme Court but not for the
purchase of new furniture, fixtures, or other equipment classified
generally in the state accounting system as capital expenditures,
Forty Nine Thousand Nine Hundred Eighty Dollars..... \$49,980.00

(2) For the purpose of paying for the Montana Reports,
Three Thousand Dollars \$3,000.00

DISTRICT JUDGES.

For the purpose of paying the salaries and other expenses of the
District Judges,
One Hundred Fifty Six Thousand Dollars.....\$156,000.00

COUNTY ATTORNEYS.

For the purpose of paying the salaries and other expenses of
the County Attorneys,
Fifty Three Thousand Dollars \$53,000.00

TRANSPORTATION OF PRISONERS.

For the purpose of paying for the Transporting of Prisoners,
Seventy Five Hundred Dollars \$7,500.00

Section 3. This Act shall be in full force and effect from and
after July 1st, 1925.

Approved March 16, 1925.

NINETEENTH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 385.

An Act Appropriating Money for the Maintenance of Certain State Departments and Institutions and for the Payment of Certain Obligations Incurred on Behalf of Certain State Departments and Institutions, During the Two Years from July 1st 1923 to June 30th 1925.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys now in the State Treasury, not otherwise appropriated for the payment of certain obligations incurred for, and for the maintenance of certain Departments and Institutions of State for the years beginning July 1, 1923 and ending June 30th, 1925, as follows:

For the payment of Per Diem and Mileage of Presidential Electors, 1924 Election.

May C. Bartos	\$ 10.00
W. D. Kyle	24.60
Geo. E. Snell	57.60
James H. Irwill	29.60

For expenses incurred in connection with Requisitions up to Jan. 1st, 1925.

Larry Duggan	\$ 197.55
Larry Duggan	73.33
Larry Duggan	384.98
Larry Duggan	160.69
C. H. Kelley	323.78
William P. Meaney	113.26
Tom Bolton	74.06
Carl Rankin	148.25
P. M. McClean	189.09
A. A. Carpenter	157.92
Bob Gordon	116.57
J. T. Green	164.31
J. W. Hayden	254.46
James Smith	169.56
James M. Barnes	213.59
James M. Barnes	246.01
Geo. Headington	163.34
Geo. Headington	127.63
Frank L. Kellum	234.26
Jas. B. Gallagher	102.35
T. C. Beasley	181.27

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For expenses in connection with Requisitions from Jan. 1, 1925 to June 30, 1925.

Two Thousand Dollars\$2,000.00

For Election Expenses incurred during the period beginning July 1, 1923 and ending Dec. 31, 1924 and for which the appropriation made by the 18th Legislative Assembly was previously exhausted:

Three Forks News	\$ 180.00
Pickett Journal	277.50
Columbus News	607.50
Hardin Tribune	315.00
Nashua Independent	270.00
Nashua Independent	260.00
Shelby Promoter	630.00
Mineral Independent	660.00
Meagher Republican	585.00
Circle Banner	502.50
Phillips County News	450.00
Hardin Herald Pub. Co.	285.00
Glasgow Democrat	208.00
Post Pub. Co.	645.00
Daily Interlake	277.50
Choteau Acantha	484.00
Scobey Sentinel	344.00
Glasgow Democrat	301.00
Havre Promoter	622.50
Tribune Publishing Co.	525.00
Standard Publishing Co.	731.25
Republican Courier Co.	585.00
Baker Sentinel	622.50
Park County News	315.00
Livingston Pub. Co.	262.50
Wolf Point Herald	240.00
Poplar Standard	262.50
Big Sandy Mountaineer	300.00
Fairview News	247.50
Hysham Echo	630.00
Kalispell Times	300.00
Fergus County Argus	557.90
Powell County Post	292.50
Great Falls Leader	712.50
Benton Pub. Co.	266.00
Times Journal	645.00
Silver State Publishing Co.	330.00
Richland County Chief	262.50
Independent Printing Co., Miles City.....	622.50

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Ravalli Republican	262.50
Choteau Montanan	525.00
Cut Bank Pioneer Press	660.00
The Searchlight	300.00
Winnett Times	280.00
Terry Tribune	637.50
Sanders Co. Ind. Ledger	315.00
Record Printing Co.	107.68
Record Printing Co.	21.00

For the expenses incurred in Printing the State Treasurer's Report for the period beginning July 1, 1923 up to Jan. 1 and for which insufficient appropriation was made by the 18th Legislative Assembly.

To Record Printing Company, Nine Hundred Sixty Dollars..\$960.00

For the Printing of State Treasurer's Report for the period beginning Jan. 1, 1925 to June 30, 1925.

One Thousand Five Hundred Dollars\$1,500.00

For payment of claims for expenses incurred in connection with grasshopper eradication during the year nineteen hundred twenty-four (1924).

To Mont. Trust & Savings Bank, Helena, Mont. Trustee

Three Thousand Three Hundred Ninety Nine Dollars
and eighty-five cents\$3,399.85

For payment of obligations incurred in connection with installation of elevator at new Receiving Hospital at State Hospital for Insane, the amount appropriated by the 18th Legislative Assembly for construction of said Receiving Hospital having been exhausted:

To Otis Elevator Company, Thirty Five Hundred Fifty
Dollars\$3,550.00

For payment of obligations incurred in the construction of the New Receiving Hospital at State Hospital for Insane and for which the appropriations made by the 18th Legislative Assembly have been exhausted,

To Crane Co., One Thousand Six Hundred Forty Nine and
thirty-seven cents\$1,649.37

For Completing installation of Elevator in Receiving Hospital at State Hospital for Insane,

Six Hundred and no Hundred Dollars..... \$600.00

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

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HOUSE BILL NO. 398.

An Act Authorizing George A. Rietz to File with the State Board of Examiners His Claim Against the State of Montana for Compensation for Injuries Received by the Said George A. Rietz While a Student Enrolled in the University of Montana, by Reason of Having Fallen in an Unmarked, Unlighted and Unguarded Elevator Shaft in the Dormitory Known as "South Hall" at the Said University of Montana at Missoula, and Authorizing Said State Board of Examiners to Hear, Audit and Determine the Said Claim of George A. Rietz, and Making an Appropriation to Pay Any Such Claim of Said George A. Rietz Which the Said State Board of Examiners May Approve and Allow.

Be it enacted by the Legislative Assembly of the State of Montana:

Whereas, George A. Rietz asserts that on, to-wit, the 25th day of September, 1923, he registered in the Forestry School of the University of Montana at Missoula, Montana, and, on said day was living at the boys' dormitory of said University of Montana, known as South Hall; and,

Whereas, on the day he registered at said University of Montana, being unfamiliar with the surroundings and interior of said South Hall, he left his room on the second floor of said building, with the intention of taking a bath in the bath room on said floor, but that the halls of said dormitory building were dimly lighted, the door of the elevator shaft in said building was and is in the same wall and adjacent to the door of the bath room, said doors being about two feet or perhaps less apart; that neither the door leading to the elevator shaft nor leading to the bath room was locked, and that neither door was labeled or marked in any manner to indicate which was the door to the bath room and which to the elevator shaft, and that by mistake said George A. Rietz opened the elevator door, walked into the elevator shaft, which was unguarded and unprotected, and fell from the second floor to the base at the bottom of the elevator shaft, and that said George A. Rietz did receive a badly fractured thigh bone, broken nose, long gash under his chin, eight teeth broken, and numerous other injuries; that as a result of said injuries said George A. Rietz was confined in bed at the Northern Pacific Hospital in Missoula, Montana, from the 25th day of September, 1923, to the 30th day of January, 1924; that a great portion of this time said George A. Rietz lay in bed with weights attached to his leg, and that thereafter for a number of months he was confined in a wheel chair; that subsequently, and on the 11th day of February, said George A. Rietz was permitted by the doctors who attended him in Missoula to return to the home of said George A. Rietz near Augusta, Montana; that

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shortly after arriving at his home he began to suffer excruciating pains in his back and on one of his legs and that said leg began to shorten and draw up, and that said George A. Rietz then consulted doctors in Great Falls, Montana, and that said doctors, after taking X-Ray pictures of the leg of said George A. Rietz, advised him that the fractured bones in said leg had not been correctly set and that the X Ray picture showed that the broken ends of the bone were set together and that the lower end was set to the upper fragment of the bone, making the leg about two and one-half inches short; that it became necessary for said George A. Rietz to again be operated on, and that he was operated on; on the 29th day of March, 1924, at Great Falls, Montana, his said leg was again broken, set straight and a plate inserted and fastened to hold the bone in place, and the leg was placed in a cast, which cast was kept on said leg for months, and that said George A. Rietz was confined in said hospital from the 25th day of March, 1924, to the 14th day of July, 1924, by reason of said operation in resetting said bones in his leg; that said George A. Rietz has expended more than the sum of \$1175.00 for doctor, dental, nurse and hospital bills, due solely and entirely to the injuries which he received in falling in said unguarded elevator shaft at said South Hall at the said University of Montana at Missoula, Montana; that said George A. Rietz is permanently injured, and that due to the said injuries to his back and leg he will be prevented from taking certain studies and obtaining certain credits which are necessary for him to have in order to complete his course in forestry; and,

Whereas, the said George A. Rietz asserts that he did ask and request the said University of Montana to pay for and reimburse him for the money necessarily expended for doctor, dental, nurse and hospital bills in connection with said injuries; and,

Whereas, said University of Montana paid only the doctor and hospital expenses incurred while at the Northern Pacific Hospital at Missoula, Montana; and,

Whereas, since leaving said Northern Pacific Hospital at Missoula, Montana, said George A. Rietz asserts that he has incurred expenses, by reason of such injuries, in connection with hospital, dental, doctor, and other necessary charges, the sum of more than \$1175.00.

NOW, THEREFORE, the Board of Examiners is hereby authorized to hear, audit and determine the claim of George A. Rietz against the State for injuries alleged to have been sustained by him while a student in the University of Montana, at Missoula, by reason of having, on the 24th day of September, 1924, fallen down an unmarked, unlighted and unguarded elevator shaft, in the dor-

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mitory building known as "South Hall", and being a part of the University of Montana; and if the said Board of Examiners finds that such injuries were so sustained, damages therefor shall constitute a legal and valid claim against the State of Montana, and the Board of Examiners may award, approve and allow such claims in favor of the claimant for such sum shall be just and equitable, and the Auditor is hereby authorized to draw his warrant upon the State Treasurer for such sum as may be allowed and approved by said Board of Examiners; provided, however, that no claim shall be allowed or approved by said State Board of Examiners for any amount in excess of the sum of Seven Thousand Five Hundred Dollars (\$7,500.00); provided, further, that such claim must be filed with said Board of Examiners within three months after the approval of this Act.

Section 2. That the sum of Seven Thousand Five Hundred Dollars (\$7,500.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of paying any claim which may be allowed and approved by said Board of Examiners in favor of the said George A. Rietz; provided that in the event that any settlement is made with the said George A. Rietz, that as a part of the consideration of said settlement, the said George A. Rietz shall execute to the State of Montana a release in full of all demands and claims of the said George A. Rietz against the State of Montana to the date of said release.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

HOUSE BILL NO. 424.

An Act Appropriating Money for the Payment of Deficiency Claims of Certain Persons for Labor and Materials Furnished in the Erection and Construction of the Metallurgical Building at the State School of Mines at Butte.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Twenty-one Hundred Thirty-two and 02/100 (\$2132.02) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, for the purpose of reimbursing certain laborers, mechanics and material men for labor and materials furnished in the erection and construction of the metallurgical building at the State School of Mines at Butte, said

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claims having been approved by the State Board of Examiners of the 7th day of October 1920, and said claims being as follows:

Montana Hardware Co.	\$ 20.62
Carlson & Mannell	294.24
M. F. Rohn	60.12
Montana Iron Works	418.68
C. C. Goddard	150.00
R. W. Brown Trucking Co.	
(E. J. Schwefel, Assignee)	791.25
Largey Lumber Co.	
(For lumber used in construction)	150.00
R. W. Brown Trucking Co.	
(Hauling cement from car to job and iron from	
car to job. (E. J. Schwefel, Assignee).....	66.60
(Removing refuse from job. After estimate	
and after allowance of claim).....	180.51
TOTAL.....	\$2132.02

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

HOUSE BILL NO. 447.

An Act to Appropriate Money for the Operation and Maintenance of Certain of the State Offices of the State of Montana for the Period Beginning July 1, 1925, and Ending June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the objects and purposes hereinafter expressed for the year beginning July 1st, 1925, and ending June 30th, 1926.

GOVERNOR.

For the operation and maintenance of the Governor's office as follows:

For Salaries, supplies and General Administration ex-	
penses, Total Appropriation, Thirteen Thousand Five	
Hundred Eighty Dollars	\$13,580.00
Salary of Governor, Seven Thousand Five Hundred Dol-	
lars	\$7,500.00

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Salary of Governor's Secretary, Three Thousand Dollars..	\$3,000.00
Salary of Governor's Stenographer, One Thousand Five Hundred Dollars	\$1,500.00
Office Supplies and Expenses, One Thousand Dollars.....	\$1,000.00
Traveling Expenses, Two Hundred Dollars.....	\$200.00
General Expenses, Three Hundred Eighty Dollars.....	\$380.00
For Capital Expenditures, One Hundred Twenty Five Dollars	\$125.00
For Requisitions, Five Thousand Dollars	\$5,000.00
For Operation and Maintenance of the Governor's Mansion as follows,	
For Salaries, wages, supplies and General Administrative Expense, Three Thousand Six Hundred Fifty Dollars....	\$3,650.00
For Capital Expenditures, repairs and replacements, One Thousand Four Hundred Dollars	\$1,400.00

SECRETARY OF STATE.

For operation and maintenance of the Secretary of State's office
as follows,

For Salaries, Wages, Supplies and General Administrative Expenses, Total Appropriation, Thirteen Thousand Five Hundred Dollars	\$13,500.00
Salary of Secretary, Four Thousand Two Hundred Dol- lars	\$4,200.00
Salary of Deputy, Three Thousand Dollars.....	\$3,000.00
Other Salaries, Four Thousand Five Hundred Dollars.....	\$4,500.00
Office Supplies and Expenses, Six Hundred Dollars.....	\$600.00
Printing and Binding, Five Hundred Dollars.....	\$500.00
General Expenses, Three Hundred Dollars.....	\$300.00
Capital Expenditures, Two Hundred Dollars.....	\$200.00
Repairs, Two Hundred Dollars	\$200.00
For Printing and Binding of General Election Books, Five Thousand Five Hundred Dollars.....	\$5,500.00

ATTORNEY GENERAL.

For operation and maintenance of the Attorney General's office
as follows,

For salaries, supplies and General Administrative ex- penses, Twenty Seven Thousand Two Hundred Dollars..	\$27,200.00
For Capital Expenditures and for repairs and replace- ments, Three Hundred Dollars	\$300.00
For the payment of salaries and expenses in connection with clearing of title and foreclosure of mortgages made on farm lands by State Land Board, and to be used ex- clusively for that purpose, Seven Thousand Dollars.....	\$7,000.00

NINETEENTH LEGISLATIVE ASSEMBLY

STATE TREASURER.

For operation and maintenance of the State Treasurer's office as follows,

For Salaries and supplies and for General Administrative expenses, Total Appropriation, Eighteen Thousand Five Hundred Dollars	\$18,500.00
Salary of Treasurer, Four Thousand Two Hundred Dollars	\$4,200.00
Salary of Deputy Treasurer, Three Thousand Dollars.....	\$3,000.00
Other Salaries, Six Thousand Five Hundred Dollars.....	\$6,500.00
Office Supplies and Expenses, Six Hundred Dollars.....	\$600.00
Official Bonds, Eight Hundred Twenty Five Dollars.....	\$825.00
General Supplies, Two Thousand One Hundred Seventy Five Dollars	\$2,175.00
Capital Expenditures, One Thousand Dollars.....	\$1,000.00
Repairs, Two Hundred Dollars	\$200.00
For Printing State Treasurer's Report, Two Thousand Dollars	\$2,000.00

STATE AUDITOR.

For operation and maintenance of the State Auditor's office as follows,

Total Appropriation, Twenty Six Thousand Dollars.....	\$26,000.00
Salary of Auditor, Three Thousand Six Hundred Dollars..	\$3,600.00
Salary of Deputy Auditor, Three Thousand Dollars.....	\$3,000.00
Salary of Insurance Commissioner, Two Thousand Four Hundred Dollars	\$2,400.00
Other Salaries, Ten Thousand Dollars	\$10,000.00
Office Supplies and Expenses, One Thousand Five Hundred Dollars	\$1,500.00
Traveling Expenses, Seven Hundred Dollars.....	\$700.00
Printing and Binding Publications, Eight Hundred Dollars	\$800.00
General Supplies and Expenses, Three Thousand Dollars..	\$3,000.00
Capital Expenditures, Seven Hundred Fifty Dollars.....	\$750.00
Repairs, Two Hundred Fifty Dollars	\$250.00
For the payment of the distribution of the Firemen's Disability Funds as provided in Section 5127 of the Revised Codes of Montana of 1921, Thirty Thousand Dollars	\$30,000.00

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For operation and maintenance of the office of Superintendent of Public Instruction as follows:

For salaries, wages, traveling expenses, supplies and gen-

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eral administrative expenses, Twenty Three Thousand Five Hundred Dollars	\$23,500.00
For Capital Expenditures and for Repairs and replacements, One Hundred Fifty Dollars	\$150.00
For Printing and Binding publications, Three Thousand Dollars	\$3,000.00

Section 2. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated for the objects and purposes hereinafter expressed for the year beginning July 1st, 1926, and ending June 30th, 1927.

GOVERNOR.

For operation and maintenance of the Governor's office as follows,

For salaries, supplies and general administrative expenses, Total Appropriation, Thirteen Thousand Five Hundred Eighty Dollars	\$13,580.00
Salary of Governor, Seven Thousand Five Hundred Dollars	\$7,500.00
Salary of Governor's Secretary, Three Thousand Dollars..	\$3,000.00
Salary of Governor's Stenographer, One Thousand Five Hundred Dollars	\$1,500.00
Office Supplies and Expenses, One Thousand Dollars.....	\$1,000.00
Traveling Expenses, Two Hundred Dollars.....	\$200.00
General Expenses, Three Hundred Eighty Dollars.....	\$380.00
For Capital Expenditures, Four Hundred Twenty Five Dollars	\$425.00
For Requisitions, Five Thousand Dollars.....	\$5,000.00
For Operation and Maintenance of the Governor's Mansion as follows,	
For Salaries, wages, supplies and General Administrative expenses, Three Thousand Six Hundred Seventy Five Dollars	\$3,675.00
For Capital Expenditures, repairs and replacements, Six Hundred Fifty Dollars	\$650.00

SECRETARY OF STATE.

For operation and maintenance of the Secretary of State's office as follows,

Total Appropriation: Thirteen Thousand Five Hundred Dollars	\$13,500.00
Salary of Secretary.....	\$4,200.00
Salary of Deputy	\$3,000.00
Other Salaries	\$4,500.00
Office Supplies and Expenses.....	\$ 600.00

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Printing and Binding	\$ 500.00
General Expenses	\$ 300.00
Capital Expenditures	\$ 200.00
Repairs	\$ 200.00
For Election Expenses and for Printing and Binding, Initiative and Referendum Measure Books Twenty Five Thousand Dollars	\$25,000.00

ATTORNEY GENERAL.

For operation and Maintenance of the Attorney General's office
as follows,

For salaries, supplies and General Administrative Ex- pense, Twenty Seven Thousand Two Hundred Dol- lars	\$27,200.00
For the payment of Printing and Publication of Reports, and opinions, Two Thousand Dollars	\$2,000.00
For the payment of salaries and expenses in connection with clearing of title and foreclosure of mortgages made on farm lands by State Land Board, and to be used ex- clusively for that purpose, Seven Thousand Dollars.....	\$7,000.00
For Capital expenditures and for repairs and replace- ments, Three Hundred Dollars	\$300.00

STATE TREASURER.

For operation and maintenance of the State Treasurer's office
as follows,

Total Appropriation: Eighteen Thousand Five Hundred Dollars	\$18,500.00
Salary of Treasurer	\$4,200.00
Salary of Deputy Treasurer	\$3,000.00
Other Salaries	\$6,500.00
Office Supplies and Expenses.....	\$ 600.00
Official Bonds	\$ 825.00
General Supplies	\$2,175.00
Capital Expenditures	\$1,000.00
Repairs	\$ 200.00

For Printing State Treasurer's Report, Two Thousand Dollars	\$2,000.00
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STATE AUDITOR.

For Operation and Maintenance of the State Auditor's office as
follows,

Total Appropriation	\$26,000.00
Salary of Auditor	\$ 3,600.00
Salary of Deputy Auditor	\$ 3,000.00

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Salary of Insurance Commissioner.....	\$ 2,400.00
Other Salaries	\$10,000.00
Office Supplies and Expenses	\$ 1,500.00
Traveling Expenses	\$ 700.00
Printing and Binding Publications.....	\$ 800.00
General Supplies and Expenses.....	\$ 3,000.00
Capital Expenditures	\$ 750.00
Repairs	\$ 250.00
For the payment of the distribution of the Firemen's Disability Funds as provided in Section 5127 of the Revised Codes of Montana of 1921, Thirty Thousand Dollars	\$30,000.00

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For operation and maintenance of the office of Superintendent of Public Instruction as follows,

For salaries, wages, traveling expenses, supplies and General Administrative Expenses, Twenty Three Thousand Five Hundred Dollars	\$23,500.00
For Capital Expenditures and for repairs and replacements, One Hundred Fifty Dollars.....	\$150.00
For Printing and Binding Publications, Three Thousand Dollars	\$3,000.00

Section 3. The Board of Examiners of the State of Montana are hereby authorized and empowered, except as hereinafter stated, to transfer amounts or parts of amounts, herein appropriated for a specific and defined purpose under one item, to supplement the amounts herein specifically appropriated for another purpose, or other purposes, under another item or other items, except that such transfer of amounts so made by the said Boards of Examiners shall, in no event, either decrease or increase the total aggregate amount herein appropriated for the payment of expenditures of all kinds for any office or department as a whole, and neither shall any such transfers of any nature or kind whatsoever be made by said Board of Examiners, except upon the written request by the administrative head of such office or department to the said Board of Examiners.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1925.

NINETEENTH LEGISLATIVE ASSEMBLY

HOUSE BILL NO. 448.

An Act Appropriating Money for the Operation and Maintenance of Certain of the Boards, Commissions and Departments of the State of Montana for the Period Beginning July 1, 1925 and Ending June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes herein-after stated for the year beginning July 1, 1925 and ending June 30, 1926.

BOARD OF RAILROAD COMMISSIONERS.

Total Appropriation	\$46,500.00
Salaries of Commissioners	\$12,000.00
Salary of Secretary	3,600.00
Salary of Assistant Secretary	3,000.00
Salary of Rate Clerk	3,000.00
Salary of Auditor	3,000.00
Salary of Engineer	3,600.00
Other Salaries	6,000.00
Office Supplies and Expenses	2,000.00
Traveling Expenses	2,000.00
Printing and Binding Publications	2,000.00
Maps and Prints	1,500.00
General Supplies and Expenses	4,600.00
Capital Expenditures	100.00
Repairs	100.00

STATE EXAMINER.

Total Appropriation	\$50,000.00
Salary of Examiner	\$ 5,000.00
Salary of Chief Deputy	3,000.00
Salaries of Deputies	22,000.00
Salary of Other Employees	4,000.00
Office Supplies and Expenses	2,000.00
Traveling Expenses	9,000.00
General Supplies and Expenses	4,400.00
Capital Expenditures	500.00
Repairs	100.00

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STATE ENTOMOLOGIST.

For the payment of supplies and expenses in the operation and maintenance of the office of the State Entomologist, Five Hundred Dollars \$500.00

TEXT BOOK COMMISSION.

For the payment of expenses in the operation and maintenance of the Text Book Commission, One Hundred Dollars \$100.00

STATE HISTORICAL LIBRARY.

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Historical Library, Five Thousand Three Hundred Dollars \$5,300.00

STATE BOARD OF EXAMINERS.

For the payment of salaries, supplies and General Administrative expenses in the operation of the Board of Examiners, Total Appropriation \$8,000.00

Salary of Clerk	\$3,000.00
Other Salaries	3,500.00
Office Supplies and Expenses	500.00
Traveling Expenses	500.00
General Expenses	500.00

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Budget Office, Eight Thousand Dollars..... \$8,000.00

STATE ACCOUNTANT.

For the payment of salaries, supplies and General Administrative expenses of the State Accountant, Four Thousand Two Hundred Dollars..... \$4,200.00

STATE ENGINEER.

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Engineer's office, Total Appropriation \$11,000.00

Salary of Engineer	\$3,000.00
Other Salaries	4,000.00
Traveling Expenses	2,800.00
Office Supplies and Expenses	200.00
General Expenses	800.00
Capital Expenditures	100.00
Repairs	100.00

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STATE LAND OFFICE.

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Land Office, Twenty Four Thousand Dollars.....\$24,000.00

STATE LAND AGENT.

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Land Agent's Office, Total Appropriation.....\$13,000.00

Salary of Land Agent	\$3,250.00
Salary of Deputies	4,000.00
Office Supplies and Expenses	300.00
Traveling Expenses	2,500.00
General Expenses	2,950.00

STATE FORESTER.

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Forester's office, Total Appropriation\$37,300.00

Salary of State Forester	\$ 2,500.00
Salary of Cruiser and Sealers.....	5,000.00
Salary of Office Employees	1,500.00
Other Salaries	5,000.00
Office Supplies and Expenses	1,000.00
Traveling Expenses	3,500.00
Protection of State Land	14,000.00
Other Expenses	4,800.00

BOARD OF EQUALIZATION.

For the payment of salaries, supplies and General Administrative expenses in the operation of the Board of Equalization, Total Appropriation\$48,000.00

Salaries of Board Members	\$15,000.00
Salaries of Tax Auditor	4,500.00
Salaries of Field Auditor	5,000.00
Salaries of Clerks and Stenographers.....	7,000.00
Salaries of Other Employees	3,500.00
Office Supplies and Expenses	3,000.00
Traveling Expenses	3,000.00
Printing and Binding Publications.....	1,000.00
Montana Tax Laws	500.00
General Expenses	4,000.00
Capital Expenditures	1,000.00
Repairs	500.00

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CAPITOL BUILDING.

For the payment of salaries, supplies and expenses of operation and maintenance of the State Capitol Building, Total Appropriation

Salary of Custodian	\$ 2,000.00
Salary of Engineers	4,200.00
Salary of Janitors	15,000.00
Salary of Postmaster	1,500.00
Other Salaries	1,650.00
Physical Plant Operation	11,000.00
General Expenses	5,150.00
Capital Expenditures	500.00
Repairs	1,000.00

STATE PURCHASING DEPARTMENT.

For the payment of salaries, supplies and General Administrative expenses of the State Purchasing Department, Total Appropriation

Salary of Purchasing Agent	\$5,000.00
Salary of Assistant	2,100.00
Salary of one Stenographer	1,500.00
Other Salaries	2,500.00
Office Supplies and Expenses	1,700.00
Traveling Expenses	750.00
General Expenses	1,250.00
Capital Expenditures	100.00
Repairs	100.00

BOARD OF HEALTH.

For the payment of salaries, supplies and General Administrative expenses of the Board of Health, Total Appropriation

Secretary's Salary	\$ 5,000.00
Salaries of Other Employees	12,000.00
Office Supplies and Expenses	5,000.00
Traveling Expenses	3,000.00
Printing and Binding	500.00
General Supplies and Expenses	6,300.00
Capital Expenditures	125.00
Repairs	75.00

For the payment of salaries, supplies and General Administrative expenses, to match the Federal appropriation under the Sheppard-Towner Act, Eight Thousand Seven Hundred Dollars

	\$8,700.00
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NINETEENTH LEGISLATIVE ASSEMBLY

For the payment of expenses in connection with Child Welfare Work, for children of six years and over, it being the intent that this is to be applied only as work supplementary to that carried on under the provisions of the Sheppard-Towner Act, Two Thousand Dollars \$2,000.00

ADJUTANT GENERAL.

For the payment of salaries, supplies and General Administrative expenses of the Adjutant General, Total Appropriation \$26,000.00

Salary of Adjutant General	\$ 3,000.00
Salaries of Other Employees	4,800.00
Office Supplies and Expenses	600.00
Uniform Allowance	2,000.00
Quarterly Allowance to Company Officers	10,000.00
Traveling Expenses	400.00
General Expenses	4,950.00
Capital Expenditures	150.00
Repairs	100.00

STATE LAW LIBRARY.

For the operation and maintenance of the State Law Library as follows: For the payment of salaries, supplies and General Administrative expenses, Five Thousand Dollars \$5,000.00

For the payment of reference books for the Law Library, Two Thousand Five Hundred Dollars..... \$2,500.00

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY.

For the operation and maintenance of the Department of Agriculture, Labor and Industry as follows, For the payment of salaries, supplies and General Administrative expenses of the Commissioner's office, Eight Thousand Four Hundred Seven Dollars..... \$8,407.00

For the payment of capital expenditures in the Commissioner's office, One Thousand Sixty Three Dollars \$1,063.00

For the payment of salaries, supplies and General expenses in connection with the operation of the Dairying Division of the Department of Agriculture, Labor and Industry, Five Thousand One Hundred Dollars.... \$5,100.00

For the payment of salaries, supplies and general expenses in connection with the operation of the Hor-

SESSION LAWS

ticulture Division of the Department of Agriculture, Labor and Industry, Eight Thousand Four Hundred Fifty Dollars	\$8,450.00
For the payment of salaries, supplies and general expenses in connection with the operation of the Agriculture Division of the Department of Agriculture, Labor and Industry, Two Hundred Fifty Five Dollars	\$255.00
For the payment of salaries, supplies and general expenses in connection with the operation of the Poultry Division of the Department of Agriculture, Labor and Industry, For State Poultry Shows.....	\$800.00
For other Poultry Shows	\$400.00
For the payment of salaries, supplies and general expenses in connection with the operation of the Labor and Publicity Division of the Department of Agriculture, Labor and Industry, Seventy-five Hundred Dollars	\$7,500.00
For the payment of salaries, supplies and General Administrative expenses in connection with the operation and maintenance of the Montana State Fair Grounds, Three Thousand Five Hundred Dollars.....	\$3,500.00

It is declared to be the intent of this act that in addition to the amounts above appropriated for the use of the Department of Agriculture, Labor and Industry, that there shall be appropriated for the use of said Department of Agriculture, Labor and Industry all fees and earnings of same including Real Estate Dealers License Commissioner, except the Income and Earnings of the State Fair, which shall be deposited without deduction of any kind with the State Treasurer and be credited by him to the General Fund of the State, all as provided in Section 3645 of the Revised Codes of Montana as amended by the Session Laws of the Eighteenth Legislative Assembly.

For the payment of salaries of clerk, supplies and general administrative traveling expense of the Real Estate Dealers License Commissioner to July 1st, 1925, Six Hundred Dollars	\$600.00
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BOARD OF ENTOMOLOGY.

For the payment of salaries, supplies and General expenses in the operation of the Board of Entomology, Fifteen Thousand Dollars	\$15,000.00
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NORMAL TRAINING IN HIGH SCHOOLS.

For the payment of reimbursements to become due

NINETEENTH LEGISLATIVE ASSEMBLY

High Schools for salaries of teachers engaged in said High Schools in connection with the work of Normal Training, Nineteen Thousand Dollars.....\$19,000.00

BOARD OF EDUCATION.

For the payment of expenses of the State Board of Education, Five Hundred Dollars \$500.00

VOCATIONAL EDUCATION.

For the payment of salaries, supplies and general Administrative Expenses in connection with Vocational Education, Fourteen Thousand Four Hundred Dollars\$14,400.00

BOARD OF CHARITIES AND REFORMS.

For the payment of Per Diem and expenses in the operation of the State Board of Charities and Reform, Four Hundred Dollars \$400.00

STATE BUREAU OF CHILD AND ANIMAL PROTECTION.

For the payment of salaries, supplies and General Administration expenses in the operation of the State Bureau of Child and Animal Protection, Twelve Thousand Five Hundred Dollars\$12,500.00

VETERANS WELFARE COMMISSION.

For the payment of salaries, per diem, supplies and General Administrative expenses in the operation of the Veterans Welfare Commission, Total Appropriation \$9,000.00

Salaries and Per Diem	\$3,000.00
Traveling Expenses	750.00
Office Supplies and Expenses	250.00
General Expenses	1,000.00
Gifts and Relief	4,000.00

ORTHOEPEDIC COMMISSION.

For the payment of salaries, per diem, supplies and General Administrative expenses in the operation of the Ortheopedic Commission, Sixteen Thousand Five Hundred Dollars\$16,500.00

G. A. R. CUSTODIAN.

For the payment of salary to the G. A. R. Custodian, One Thousand Eighty Dollars \$1,080.00

SESSION LAWS

CONSULTING ENGINEER.

For the payment to George W. Craven for his services
as consulting engineer, Nine Hundred Dollars..... \$900.00

Section 2. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the Treasury of the State of Montana, not otherwise appropriated, for the operation and maintenance of certain offices, boards and commissions and for the objects and purposes herein-after stated for the year beginning July 1st, 1926, and ending June 30th, 1927.

BOARD OF RAILROAD COMMISSIONERS.

Total Appropriation	\$46,500.00
Salaries of Commissioners	\$12,000.00
Salary of Secretary	3,600.00
Salary of Assistant Secretary	3,000.00
Salary of Rate Clerk	3,000.00
Salary of Auditor	3,000.00
Salary of Engineer	3,600.00
Other Salaries	6,000.00
Office Supplies and Expenses	2,000.00
Traveling Expenses	2,000.00
Printing and Binding Publications.....	2,000.00
Maps and Prints	1,500.00
General Supplies and Expenses	4,600.00
Capital Expenditures	100.00
Repairs	100.00

STATE EXAMINER.

Total Appropriation	\$50,000.00
Salary of Examiner	\$ 5,000.00
Salary of Chief Deputy	3,000.00
Salaries of Deputies	22,000.00
Salary of other Employees	4,000.00
Office Supplies and Expenses	2,000.00
Traveling Expenses	9,000.00
General Supplies and Expenses	4,400.00
Capital Expenditures	500.00
Repairs	100.00

STATE ENTOMOLOGIST.

For the payment of supplies and expenses in the operation and maintenance of the office of the State Entomologist, Five Hundred Dollars \$500.00

NINETEENTH LEGISLATIVE ASSEMBLY

TEXT BOOK COMMISSION.

For the payment of expenses in the operation and maintenance of the Text Book Commission, Nine Hundred Dollars \$900.00

STATE HISTORICAL LIBRARY.

For the payment of salaries, supplies and General Administrative Expenses in the operation of the State Historical Library, Five Thousand Three Hundred Dollars \$5,300.00

STATE BOARD OF EXAMINERS.

For the payment of salaries, supplies and General Administrative expenses in the operation of the Board of Examiners, Total Appropriation \$8,000.00

Salary of Clerk \$3,000.00

Other Salaries 3,500.00

Office Supplies and Expenses 500.00

Traveling Expenses 500.00

General Expenses 500.00

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Budget office, Eight Thousand Dollars..... \$8,000.00

STATE ACCOUNTANT.

For the payment of salaries, supplies and General Administrative expenses of the State Accountant, Four Thousand Two Hundred Dollars \$4,200.00

STATE ENGINEER.

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Engineer's office, Total Appropriation \$11,000.00

Salary of Engineer \$3,000.00

Other Salaries 4,000.00

Office Supplies and Expenses 200.00

Traveling Expenses 2,800.00

General Expenses 800.00

Capital Expenditures 100.00

Repairs 100.00

STATE LAND OFFICE.

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Land office, Twenty Four Thousand Dollars.....\$24,000.00

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STATE LAND AGENT.

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Land Agent's office, Total Appropriation\$13,000.00

Salary of Land Agent	\$3,250.00
Salary of Deputies	4,000.00
Office Supplies and Expenses	300.00
Traveling Expenses	2,500.00
General Expenses	2,950.00

STATE FORESTER.

For the payment of salaries, supplies and General Administrative expenses in the operation of the State Forester's office, Total Appropriation\$37,300.00

Salary of State Forester	\$ 2,500.00
Salary of Cruiser and Scalers	5,000.00
Salary of Office Employees	1,500.00
Other Salaries	5,000.00
Office Supplies and Expenses	1,000.00
Traveling Expenses	3,500.00
Protection of State Land	14,000.00
Other Expenses	4,800.00

BOARD OF EQUALIZATION.

For the payment of salaries, supplies and General Administrative expenses in the operation of the Board of Equalization, Total Appropriation\$48,000.00

Salaries of Board Members	\$15,000.00
Salaries of Tax Auditor	4,500.00
Salaries of Field Auditor	5,000.00
Salaries of Clerks and Stenographers.....	7,000.00
Salaries of Other Employees	3,500.00
Office Supplies and Expenses	3,000.00
Traveling Expenses	3,000.00
Printing and Binding Publications	1,000.00
Montana Tax Laws	500.00
General Expenses	4,000.00
Capital Expenditures	1,000.00
Repairs	500.00

CAPITOL BUILDING.

For the payment of salaries, supplies and expenses of operation and maintenance of the State Capitol Building, Total Appropriation\$42,000.00

Salary of Custodian	\$ 2,000.00
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NINETEENTH LEGISLATIVE ASSEMBLY

Salary of Engineers	4,200.00
Salary of Janitors	15,000.00
Salary of Postmaster	1,500.00
Other Salaries	1,650.00
Physical Plant Operation	11,000.00
General Expenses	5,150.00
Capital Expenditures	500.00
Repairs	1,000.00

STATE PURCHASING DEPARTMENT.

For the payment of salaries, supplies and General Administrative expenses of the State Purchasing Department, Total Appropriation	\$15,000.00
Salary of Purchasing Agent	\$5,000.00
Salary of Assistant	2,100.00
Salary of One Stenographer	1,500.00
Other Salaries	2,500.00

BOARD OF HEALTH.

For the payment of salaries, supplies and General Administrative expenses of the Board of Health, Total Appropriation	\$32,000.00
Secretary's Salary	\$ 5,000.00
Salaries of Other Employees	12,000.00
Office Supplies and Expenses	5,000.00
Traveling Expenses	3,000.00
Printing and Binding	500.00
General Supplies and Expenses	6,300.00
Capital Expenditures	125.00
Repairs	75.00

For the payment of salaries, supplies and General Administrative expenses, to match the Federal appropriation under the Sheppard-Towner Act, Eight Thousand Seven Hundred Dollars	\$8,700.00
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For the payment of expenses in connection with Child Welfare Work, for children of six years and over, it being the intent that this is to be applied only as work supplementary to that carried on under the provisions of the Sheppard-Towner Act, Two Thousand Dollars	\$2,000.00
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ADJUTANT GENERAL.

For the payment of salaries, supplies and General Administrative expenses of the Adjutant General, Total Appropriation	\$26,000.00
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Salary of Adjutant General	\$3,000.00
Salaries of Other Employees	4,800.00
Office Supplies and Expenses	600.00
Uniform Allowance	2,000.00
Quarterly Allowance to Company Officers	10,000.00
Traveling Expenses	400.00
General Expenses	4,950.00
Capital Expenditures	150.00
Repairs	100.00

STATE LAW LIBRARY.

For the operation and maintenance of the State Law Library as follows: For the payment of salaries, supplies and General Administrative expenses, Four Thousand Dollars	\$4,000.00
For the payment of reference books for the Law Library, Two Thousand Five Hundred Dollars.....	\$2,500.00

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY.

For the operation and maintenance of the Department of Agriculture, Labor and Industry as follows, For the payment of salaries, supplies and General Administrative expenses of the Commissioner's office, Eight Thousand Four Hundred Seven Dollars.....	\$8,407.00
For the payment of capital expenditures in the Commissioner's office, One Thousand Sixty-three Dollars..	\$1,063.00
For the payment of salaries, supplies and General expenses in connection with the operation of the Dairying Division of the Department of Agriculture, Labor and Industry, Five Thousand One Hundred Dollars....	\$5,100.00
For the payment of salaries, supplies and general expense in connection with the operation of the Horticulture Division of the Department of Agriculture, Labor and Industry, Eight Thousand Four Hundred Fifty Dollars	\$8,450.00
For the payment of salaries, supplies and general expenses in connection with the operation of the Apiculture Division of the Department of Agriculture, Labor and Industry, Two Hundred Fifty-five Dollars	\$255.00
For the payment of salaries, supplies and general expenses in connection with the operation of the Poultry Division of the Department of Agriculture, Labor and Industry, For State Poultry Show.....	\$800.00

NINETEENTH LEGISLATIVE ASSEMBLY

For other Poultry Shows	\$400.00
For the payment of salaries, supplies and general expenses in connection with the operation of the Labor and Publicity Division of the Department of Agriculture, Labor and Industry, Seventy-five Hundred Dollars	\$7,500.00
For the payment of salaries, supplies and General Administrative expenses in connection with the operation and maintenance of the Montana State Fair Grounds, Three Thousand Five Hundred Dollars.....	\$3,500.00

It is declared to be the intent of this Act that in addition to the amounts above appropriated for the use of the Department of Agriculture, Labor and Industry, that there shall be appropriated for the use of said Department of Agriculture, Labor and Industry all fees and earnings of same, including real estate license commissioner, except the Income and Earnings of the State Fair, which shall be deposited without deduction of any kind with the State Treasurer and be credited by him to the General Fund of the State, all as provided in Section 3645 of the Revised Code of Montana as amended by the Session Laws of the Eighteenth Legislative Assembly.

BOARD OF ENTOMOLOGY.

For the payment of salaries, supplies and general expenses in the operation of the Board of Entomology, Fifteen Thousand Dollars	\$15,000.00
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NORMAL TRAINING IN HIGH SCHOOLS.

For the payment of reimbursements to become due High Schools for salaries of teachers engaged in said High Schools in connection with the work of Normal Training, Nineteen Thousand Dollars	\$19,000.00
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BOARD OF EDUCATION.

For the payment of expenses of the State Board of Education, Five Hundred Dollars	\$500.00
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VOCATIONAL EDUCATION.

For the payment of salaries, supplies and General Administrative expenses in connection with Vocational Education, Fourteen Thousand Four Hundred Dollars	\$14,400.00
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BOARD OF CHARITIES AND REFORMS.

For the payment of per diem and expenses in the opera-

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tion of the State Board of Charities and Reform,
Four Hundred Dollars \$400.00

STATE BUREAU OF CHILD AND ANIMAL PROTECTION.

For the payment of salaries, supplies and General Administration expenses in the operation of the State Bureau of Child and Animal Protection, Twelve Thousand Five Hundred Dollars\$12,500.00

VETERANS WELFARE COMMISSION.

For the payment of salaries, per diem, supplies and General Administrative expenses in the operation of the Veterans Welfare Commission, Total Appropriation \$9,000.00
Salaries and per diem\$3,000.00
Traveling expenses 750.00
Office Supplies and expenses 250.00
General Expenses 1,000.00
Gifts and relief 4,000.00

ORTHOPEDIC COMMISSION.

For the payment of salaries, per diem, supplies and General Administrative expenses in the operation of the Ortheopedic Commission, Sixteen Thousand Five Hundred Dollars\$16,500.00

G. A. R. CUSTODIAN.

For the payment of salary to the G. A. R. Custodian,
One Thousand Eighty Dollars \$1,080.00

CONSULTING ENGINEER.

For the payment to George W. Craven for his services
as consulting engineer, Nine Hundred Dollars..... \$900.00

Section 3. The Board of Examiners of the State of Montana are hereby authorized and empowered, except as hereinafter stated, to transfer amounts or parts of amounts, herein appropriated for a specific and defined purpose under one item, to supplement the amounts herein specifically appropriated for another purpose, or purposes, under another item or other items, except that such transfer of amounts as made by the said Board of Examiners shall in no event, either decrease or increase the total aggregate amount herein appropriated for the payment of expenditures of all kinds for any office or department as a whole, and neither shall any such transfer of any nature or kind whatsoever be made by said Board

NINETEENTH LEGISLATIVE ASSEMBLY

of Examiners, except upon the written request by the administrative head of such office, board or department to the said Board of Examiners.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 20, 1925.

HOUSE BILL NO. 449.

An Act Appropriating Money for the Operation and Maintenance for the Per Diem and Expenses of the Board of Coal Mine Examiners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, and out of the funds herein designated, for the objects and purposes expressed, for the year beginning July 1st, 1924, and ending June 30th, 1925.

For payment, out of the General Fund, of the per diem and expenses of the Board of Coal Mine Examiners, Five Hundred Dollars\$500.00

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

HOUSE BILL NO. 450.

An Act Appropriating Money for the Operation and Maintenance of the Industrial Accident Board, for the Per Diem and Expenses of the Board of Coal Mine Examiners and for the Operation, Maintenance and Payment of Training Expenses of the Work of Vocational Rehabilitation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, and out of the funds herein designated, for the objects and purposes ex-

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pressed, for the year beginning July 1st, 1925, and ending June 30th, 1926.

For payment, out of the Industrial Administrative Fund, provided, however, if there is not sufficient money in said Fund, the balance of the appropriation shall be paid from the General Fund, of salaries and expenses of the Industrial Accident Board, Fifty-Four Thousand Five Hundred Dollars\$54,500.00

For payment, out of the General Fund, of the per diem and expenses of the Board of Coal Mine Examiners, Five Hundred Dollars \$500.00

For payment, out of the General Fund, of the salaries and expenses and payment of training expenses of the work of Vocational Rehabilitation, Fifteen Thousand Dollars..\$15,000.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, and out of the funds herein designated, for the objects and purposes expressed, for the year beginning July 1st, 1926, and ending June 30th, 1927.

For payment, out of the Industrial Administrative Fund, provided, however, if there is not sufficient money in said Fund, the balance of the appropriation shall be paid from the General Fund, of salaries and expenses of the Industrial Accident Board, Fifty-Four Thousand Five Hundred Dollars\$54,500.00

For payment, out of the General Fund, of the per diem and expenses of the Board of Coal Mine Examiners, Five Hundred Dollars \$500.00

For payment, out of the General Fund, of the salaries and expenses and payment of training expenses of the work of Vocational Rehabilitation, Fifteen Thousand Dollars..\$15,000.00

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

HOUSE BILL NO. 451.

An Act to Appropriate Money for the Operation and Maintenance of the Agricultural Experiment Station and Sub Stations and for Farmers Extension Work.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may

NINETEENTH LEGISLATIVE ASSEMBLY

be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1925 and ending June 30th, 1926:

For the payment of salaries and other expenses of the Agricultural Experiment Station at the home station, Bozeman, Seventy Thousand One Hundred Fifty-three Dollars	\$70,153.00
For expense of special soil survey and publication of soil maps by the Agricultural Experiment Station, Two Thousand Eight Hundred Eighty-four Dollars.....	\$2,884.00
For the payment of salaries and other expenses of the Grain Laboratory, Nine Thousand Twenty-four Dollars	\$9,024.00
For the payment of salaries and other expenses of the Horticultural Branch Station, Four Thousand Three Hundred One Dollars	\$4,301.00
For the payment of salaries and other expenses of the Huntley Branch Station, Nineteen Hundred Twenty Dollars	\$1,920.00
For the payment of salaries and other expenses of the Judith Basin Branch Station, Eight Thousand Seven Hundred Fifty-six Dollars	\$8,756.00
For the payment of salaries and other expenses of the Northern Montana Branch Station, Thirteen Thousand Five Hundred Seventeen Dollars	\$13,517.00
For the payment of salaries and other expenses of the Fort Keogh Livestock Branch Station, Seven Hundred Sixty-eight Dollars	\$768.00
For Farmers' Extension Work, in cooperation with the Federal Government under the Smith-Lever Act and other acts of Congress relating to such work, Eighty Thousand Five Hundred Sixty Dollars	\$80,560.00

Section 2. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1926 and ending June 30th, 1927:

For the payment of salaries and other expenses of the Agricultural Experiment Station at the home Station, Bozeman, Seventy Thousand One Hundred Fifty-three Dollars	\$70,153.00
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For the expense of special soil survey and publication of soil maps by the Agricultural Experiment Station, Two Thousand Eight Hundred Eighty-Four Dollars.....	\$2,884.00
For the payment of salaries and other expenses of the Grain Laboratory, Nine Thousand Twenty-four Dollars	\$9,024.00
For the payment of salaries and other expenses of the Horticultural Branch Station, Four Thousand Three Hundred One Dollars	\$4,301.00
For the payment of salaries and other expenses of the Huntley Branch Station, Nineteen Hundred Twenty Dollars	\$1,920.00
For the payment of salaries and other expenses of the Judith Basin Branch Station, Eighty Seven Hundred Fifty Six Dollars	\$8,756.00
For the payment of salaries and other expenses of the Northern Montana Branch Station, Thirteen Thousand Five Hundred Seventeen Dollars	\$13,517.00
For the payment of salaries and other expenses of the Fort Keogh Livestock Branch Station, Seven Hundred Sixty Eight Dollars	\$768.00
For Farmers' Extension Work, in cooperation with the Federal Government under the Smith-Lever Act and other Acts of Congress relating to such work, Eighty-four Thousand Three Hundred Seventy-nine Dollars.....	\$84,379.00

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all income of said institutions from all permanent funds and endowments, and from all land grants; from all fees and earnings of said institutions, from whatever source they may be derived; and from all contributions derived from public or private bounty.

Section 4. This Act shall be in full force and effect from and after July 1st, 1925.

Approved March 16, 1925.

HOUSE BILL NO. 452.

An Act to Appropriate Funds for the Operation and Maintenance of Certain of the State's Institutions for the Period Beginning July 1, 1925 and Ending June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may

NINETEENTH LEGISLATIVE ASSEMBLY

be necessary be, and the same are hereby appropriated, out of any moneys in the State Treasury, not otherwise appropriated, and from any Special Funds of the State herein designated for the objects and purposes hereinafter expressed for the fiscal year beginning July 1, 1925 and ending June 30, 1926.

STATE DEAF AND BLIND SCHOOL.

For the payment of salaries, supplies and general administrative expenses in connection with the operation and maintenance of the State Deaf and Blind School, One Hundred Forty-Seven Thousand Dollars\$147,000.00

MONTANA STATE ORPHAN'S HOME.

For the payment of salaries, supplies and general administrative expenses in connection with the operation and maintenance of the Montana State Orphan's Home, Seventy-Seven Thousand Dollars \$77,000.00

For the payment of Right of Way and construction expense in connection with changing location of Public Highway across School Grounds and of constructing same, Ten Hundred Dollars \$1,000.00

VOCATIONAL SCHOOL FOR GIRLS.

For the payment of salaries, supplies and general administrative expenses in connection with the operation and maintenance of the Vocational School for Girls, Twenty-Eight Thousand Dollars \$28,000.00

STATE INDUSTRIAL SCHOOL.

For the payment of salaries, supplies and general administrative expenses in connection with the operation and maintenance of the State Industrial School, Forty-Five Thousand Dollars \$45,000.00

MONTANA STATE PRISON.

For the payment of salaries, supplies and general administrative expenses in connection with the operation of the Montana State Prison, One Hundred Seventy Thousand Dollars\$170,000.00

MONTANA STATE HOSPITAL.

For the payment of salaries, supplies and general administrative expenses in connection with the Montana State Hospital, Two Hundred Ninety Thousand Dollars\$290,000.00

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MONTANA STATE TUBERCULOSIS SANITARIUM.

For the payment of salaries, supplies and general administrative expenses in connection with the operation of the Montana State Tuberculosis Sanitarium, Seventy-One Thousand Dollars \$71,000.00

That in addition to the foregoing there is hereby appropriated out of any unexpended portion of the money in the State Treasury heretofore appropriated for use of the Tuberculosis Sanitarium for the fiscal year ending June 30, 1925 for the purpose of constructing an addition unit to the heating plant and for the construction of needed improvements in the water system at the Montana State Tuberculosis Sanitarium, provided, however, that before an additional unit to said heating plant, or construction of improvements in the said water system shall be instituted, that the State Board of Examiners shall first determine the necessity of the improvement, and if in their judgment these improvements are necessary then this provision shall be effective, and not otherwise.

MONTANA SOLDIERS HOME.

For the payment of salaries, supplies and general administrative expenses in connection with the operation of the Montana Soldiers Home, Forty-Two Thousand Dollars \$42,000.00

Section 2. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated, out of any moneys in the State Treasury, not otherwise appropriated, and from any Special Funds of the State herein designated for the objects and purposes hereinafter expressed for the fiscal year beginning July 1, 1926 and ending June 30, 1927.

STATE DEAF AND BLIND SCHOOL.

For the payment of salaries, supplies and general administrative expenses in connection with the operation and maintenance of the State Deaf and Blind School, One Hundred Forty-Seven Thousand Dollars \$147,000.00

MONTANA STATE ORPHAN'S HOME.

For the payment of salaries, supplies and general administrative expenses in connection with the operation and maintenance of the Montana State Orphan's Home, Seventy-Seven Thousand Dollars \$77,000.00

NINETEENTH LEGISLATIVE ASSEMBLY

VOCATIONAL SCHOOL FOR GIRLS.

For the payment of salaries, supplies and general administrative expenses in connection with the operation and maintenance of the Vocational School for Girls, Twenty-Eight Thousand Dollars \$28,000.00

STATE INDUSTRIAL SCHOOL.

For the payment of salaries, supplies and general administrative expenses in connection with the operation and maintenance of the State Industrial School, Forty-Five Thousand Dollars \$45,000.00

MONTANA STATE PRISON.

For the payment of salaries, supplies and general administrative expenses in connection with the operation and maintenance of the State Prison, One Hundred Seventy Thousand Dollars \$170,000.00

MONTANA STATE HOSPITAL.

For the payment of salaries, supplies and general administrative expenses in connection with the Montana State Hospital, Two Hundred Ninety Thousand Dollars \$290,000.00

MONTANA STATE TUBERCULOSIS SANITARIUM.

For the payment of salaries, supplies and general administrative expenses in connection with the operation of the Montana State Tuberculosis Sanitarium, Seventy-One Thousand Dollars \$71,000.00

MONTANA SOLDIERS HOME.

For the payment of salaries, supplies and general administrative expenses in connection with the operation of the Montana Soldiers Home, Forty-Two Thousand Dollars \$42,000.00

Section 3. The sums appropriated in Sections 1 and 2 of this Act are declared to be in addition to all the incomes of said institutions from all permanent funds and endowments, and from all land grants and from all fees and earnings of said institutions from whatever source they may be derived.

Section 4. It shall be the duty of the administrative head of each Institution, Board, Bureau, Commission, Office or Department, for the operation and maintenance of which money is appropriated under this Act to formulate an itemized and tabulated

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budget for the expenditure of the funds appropriated under this Act, and to submit same on or before May 1st, 1925 to the Board of Examiners and when so submitted shall be filed by the Board of Examiners and become the official itemized Budget in accordance with which the expenditures must be made except as provided in Section 5 of this Act. The form of itemization to be used in formulating such budget is to be substantially in accord with the various segregations and classifications of the different expenditures as prescribed by the Board of Examiners for the compiling of the State Budget as provided by the Budget Act.

Section 5. The Board of Examiners of the State of Montana are hereby authorized and empowered, except as hereinafter stated, to transfer amounts or parts of amounts, herein appropriated for a specific and defined purpose under one item, to supplement the amounts herein specifically appropriated for another purpose, or other purposes, under another item or other items, except that such transfer of amounts so made by the said Board of Examiners shall, in no event, either decrease or increase the total aggregate amount herein appropriated for the payment of expenditures of all kinds for any office or department as a whole, and neither shall any such transfers of any nature or kind whatsoever be made by said Board of Examiners, except upon the written request by the administrative head of such office or department to the said Board of Examiners.

Section 6. This Act shall be in full force from and after its passage and approval.

Approved March 16, 1925.

HOUSE BILL NO. 453.

An Act Appropriating Money for the Operation and Maintenance of the Teaching Units of the Greater University of Montana for the Period Beginning July 1, 1925 and Ending June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1925, and ending June 30th, 1926.

To equalize the traveling fare of students in attendance

NINETEENTH LEGISLATIVE ASSEMBLY

upon the institutions of the University of Montana, Ten Thousand Dollars	\$ 10,000.00
For the payment of salaries and other expenses of the State University, Three Hundred Fifty-six Thousand One Hundred Dollars	\$356,100.00
For the payment of salaries and other expenses of the State College of Agriculture and Mechanic Arts, Two Hundred Four Thousand Dollars	\$204,000.00
For the payment of salaries and other expenses of the State School of Mines, Forty-one Thousand Three Hun- dred Dollars	\$41,300.00
For the payment of salaries and other expenses of the State Normal College, Seventy-six Thousand Six Hun- dred Dollars	\$76,600.00

Section 2. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1926, and ending June 30th, 1927:

To equalize the traveling fare of students in attendance upon the institutions of the University of Montana, Ten Thousand Dollars	\$ 10,000.00
For the payment of salaries and other expenses of the State University, Three Hundred Fifty-six Thousand One Hundred Dollars	\$356,100.00
For the payment of salaries and other expenses of the State College of Agriculture and Mechanic Arts, Two Hundred Four Thousand Dollars	\$204,000.00
For the payment of salaries and other expenses of the State School of Mines, Forty-one Thousand Three Hun- dred Dollars	\$41,300.00
For the payment of salaries and other expenses of the State Normal College, Seventy-six Thousand Six Hun- dred Dollars	\$76,600.00

Section 3. The sums appropriated in Sections 1 and 2 of this Act are in addition to all the income of said institutions from all permanent funds and endowments, and free from all land grants; from all fees and earnings of said institutions, from whatever source they may be derived; and from all contributions derived from public or private bounty.

Section 4. This Act shall be in full force and effect from and after July 1st, 1925.

Approved March 16, 1925.

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HOUSE BILL NO. 454.

An Act to Authorize the Adjutant General of the State of Montana to Attend to the Shipment of Captured War Equipment Allotted to the State of Montana by the Federal Government and Making an Appropriation to Pay the Transportation Charges Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Adjutant General of the State of Montana is hereby authorized and empowered to attend to the shipment of captured war equipment allotted to the State of Montana by the Federal Government and to distribute the same to the cities and towns of the state as in his judgment may seem equitable; and in making such distribution the Adjutant General shall consult with the American Legion Posts throughout the state.

Section 2. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose of paying the transportation charges for so shipping the said equipment, as herein provided for, the sum of Twenty-five Hundred Dollars (\$2500.00), or so much thereof as may be necessary, to pay said transportation charges to the State Armory in the city of Helena, Montana, it being understood that the cost of transportation from the said State Armory to the places of local distribution in the state shall be paid by the cities or towns to which the same may be distributed.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1925.

HOUSE BILL NO. 455.

An Act Appropriating Money for the Operation and Maintenance of the Livestock Sanitary Board and Livestock Commission for the Years Beginning July 1, 1925 and Ending June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following amounts or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the State Treasury and from Special Funds of

NINETEENTH LEGISLATIVE ASSEMBLY

the State herein designated for the objects and purposes herein-after expressed for the year beginning July 1, 1925 and ending June 30, 1926.

For the payment of salaries, supplies and other expenses
of the Livestock Sanitary Board, Fifty One Thousand
Dollars\$51,000.00

For the payment of salaries, supplies and expenses of the
Livestock Sanitary Board, and for the payment of
slaughtered stock as provided by Chapter 262, Session
Laws of 1921, such sums as may be required, to be paid
from the Livestock Sanitary Board Fund.

For the payment of Emergencies arising out of the opera-
tions of the Livestock Sanitary Board, to be paid from
the Livestock Sanitary Board Emergency Fund, when
such emergency is declared to exist by the Board of
Examiners, as much as may be required.

For the payment of salaries and expenses of the Livestock
Commission, Eighty-five Hundred Dollars \$8,500.00

For the payment of salaries and expenses of the Livestock
Commission, to be paid from the Livestock Commission
Fund, Forty Five Thousand Dollars\$45,000.00

For the payment of salary of one clerk to the Livestock
Commission to be paid from the Bounty Fund, One
Thousand Eight Hundred Dollars \$1,800.00

For the payment of claims against the bounty fund, to
be paid from the bounty fund, as much as may be nec-
essary.

For the payment of estray claims, to be paid from the
estrays fund, as much as may be necessary.

Section 2. That the following amounts or so much thereof as
may be necessary, be and the same are hereby appropriated out
of any money in the State Treasury and from Special Funds of
the State herein designated for the objects and purposes herein-
after expressed for the year beginning July 1, 1926 and ending
June 30th, 1927.

For the payment of salaries, supplies and other expenses
of the Livestock Sanitary Board, Fifty One Thousand
Dollars\$51,000.00

For the payment of salaries, supplies and other expenses
of the Livestock Sanitary Board and for the payment
of slaughtered stock as provided by Chapter 262, Ses-

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sion Laws 1921, such sums as may be required to be paid from the Livestock Sanitary Board Fund.

For the payment of Emergencies arising out of the operations of the Livestock Sanitary Board, to be paid from the Livestock Sanitary Board Emergency Fund, when such emergency is declared to exist by the Board of Examiners, as much as may be required.

For the payment of salaries and expenses of the Livestock Commission, Eighty-five Hundred Dollars \$8,500.00

For the payment of salaries and expenses of the Livestock Commission, to be paid from the Livestock Commission Fund, Forty Five Thousand Dollars \$45,000.00

For the payment of salary of one clerk to the Livestock Commission to be paid from the Bounty Fund, One Thousand Eight Hundred Dollars \$1,800.00

For the payment of claims against the bounty fund, to be paid from the bounty fund, as much as may be necessary.

For the payment of estray claims, to be paid from the estray fund, as much as may be necessary.

Approved March 16, 1925.

HOUSE BILL NO. 456.

An Act Appropriating Money for the Maintenance of Certain State Departments and for the Payment of Certain Obligations Incurred by the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the payment of the following deficiency claims and obligations incurred, in the operation of various departments of the State of Montana and for which no appropriation now exists:

For the payment of claim by J. I. Jones, Great Falls, Montana, for preliminary services in the drafting of plans for State Terminal Elevator, One Hundred Thirty-Five Dollars \$135.00

For the payment of claim by Bob Gordon, former sheriff of Cascade County, for feeding drug addicts, Seventy-

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One Dollars	\$71.00
For the payment of refund due Minneapolis Threshing Machine Company for excess fees paid to Secretary of State of Montana on May 1st, 1913, Three Hundred Eighty-Two Dollars	\$382.00
and on October 24, 1917, Two Hundred Forty-Two Dollars and Fifty Cents	\$242.50
in connection with certificate for increase of Capital Stock and recording and filing of Certificate of Continuance of Corporate Existence, same including interest to April 14, 1923, Six Hundred Twenty Four Dollars Fifty Cents.....	\$624.50
For the payment of refund due Crane and Ordway Company for excess fees paid to Secretary of State of Montana in connection with Certificate for Increase of Capital Stock, Three Hundred Seventy Dollars.....	\$370.00
For the payment to Ben Goldie, Deer Lodge, Montana, for witness fees, eleven (11) days at Three Dollars (\$3.00) per day, and mileage, one hundred twenty-four (124) miles at Ten Cents (10c) per mile in attending trial State of Montana vs. Frank Conley in April, 1922, Forty-five and 40/100 Dollars	\$45.00
For the payment of obligations arising from operation of Montana State Fair, prior to January 1, 1925, Five Thousand One Hundred Four Dollars, Fifty-Six Cents.....	\$5,104.56

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated and out of any Special Funds of the State of Montana as hereinafter designated for the objects and purposes expressed.

For the use of the Registrar of Motor Vehicles, to be paid from the Motor Vehicle Administrative Fund, in payment of salaries, supplies and General Administrative Expenses of his office for the period beginning January 1, 1925, and ending June 30, 1925, the appropriation made for this purpose by the Eighteenth Legislative Assembly having been insufficient, Seven Thousand Dollars	\$7,000.00
For the payment of maintenance expenses of the State Fair grounds and property for the period ending June 30, 1925, the appropriation made by the Eighteenth Legislative Assembly having been exhausted, One Thousand Two Hundred Dollars	\$1,200.00
For the payment of salaries, supplies and General Admin-	

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istrative expenses in connection with the operation and maintenance of the Montana Soldiers' Home for the year ending June 30, 1925, the appropriation made by the Eighteenth Legislative Assembly having been found to be insufficient, Nine Thousand Dollars\$9,000.00
For the payment of expenses in connection with the operation of the Ortheopedic Commission for the completion of the year ending June 30, 1925, Fifteen Hundred Dollars\$1,500.00

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1925.

HOUSE BILL NO. 457.

An Act Appropriating Money for the Horticultural Revolving Fund, for the Fish and Game Commission; for the Administration of Motor Vehicle License Laws; for the State Board of Hail Insurance and for Fire and Burglary Insurance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That for the period beginning July 1, 1925, and ending June 30, 1926, the following sums or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the Horticultural Revolving Fund created by House Bill 300 of the Acts of the Nineteenth Legislative Assembly of Montana, the general fund of the State to be reimbursed to the extent of the amount of money used from the amount hereby appropriated, in accordance with the provisions of Section 2 of the Act aforesaid,

Two Thousand Five Hundred Dollars\$2,500.00

Section 2. That for the period beginning July 1, 1926, and ending June 30, 1927, the following sums or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the Horticultural Revolving Fund created by House Bill 300 of the Acts of the Nineteenth Legislative Assembly of Montana, the general fund of the State to be reimbursed to the extent of the amount of money used from the amount hereby appropriated, in accordance with the provisions of Section 2 of the Act aforesaid,

Two Thousand Five Hundred Dollars\$2,500.00

Section 3. That Twenty Five Thousand Dollars (\$25,000.00) or

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so much thereof as may be necessary, be, and the same is hereby appropriated from the Motor Vehicle Administrative Fund for the payment of salaries, supplies and General Administrative expenses of the Motor Vehicle Department for the year beginning July 1, 1915, and ending June 30, 1926.

Section 4. That Twenty Five Thousand Dollars (\$25,000.00) or so much thereof as may be necessary, be, and the same is hereby appropriated from the Motor Vehicle Administrative Fund for the payment of salaries, supplies and General Administrative expenses of the Motor Vehicle Department for the year beginning July 1, 1926, and ending June 30, 1927.

Section 5. That Sixteen Thousand Dollars (\$16,000.00) or so much thereof as may be necessary be and the same is hereby appropriated, to be paid from the Hail Insurance Fund and be transferred to the Hail Insurance Administrative Fund as needed, for the payment of salaries and supplies and other expenses of the office of the State Board of Hail Insurance and for the payment of adjusters and their expenses, and for the payment of interest on any registered warrants for the period beginning July 1, 1925, and ending June 30, 1926. That there is also hereby appropriated, to be paid from the Hail Insurance Fund such sums as may be needed for the payment of losses as adjusted and approved and for the payment of interest on registered warrants.

Section 6. That Sixteen Thousand Dollars (\$16,000.00) or so much thereof as may be necessary, be and the same is hereby appropriated to be paid from the Hail Insurance Fund and be transferred to the Hail Insurance Administrative Fund as needed, for the payment of salaries and supplies and other expenses of the office of the State Board of Hail Insurance, and for the payment of adjusters and their expenses, and for the payment of interest on any registered warrants for the period beginning July 1st, 1926, and ending June 30, 1927. That there is also hereby appropriated, to be paid from the Hail Insurance Fund such sums as may be needed for the payment of losses as adjusted and approved and for the payment of interest on registered warrants.

Section 7. That all monies which now are or will, by law, be deposited with the State Treasurer to the credit of the Fish and Game Fund are hereby appropriated for the use of the Fish and Game Commission to be disbursed by them after proper claims have been made and approved by the State Board of Examiners as provided by law.

Section 8. That Seventy Thousand Dollars (\$70,000.00) or so much thereof as may be necessary, be, and the same is hereby

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appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of Renewal Premiums for a three year period on fire insurance policies expiring on August 31, 1926.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1925.

HOUSE BILL NO. 458.

An Act Appropriating Money for the Operation and Maintenance of the Office of the State Fire Marshal to Be Paid from the State Fire Marshal's Fund for the Period Beginning July 1, 1925, to June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1925 and ending June 30th, 1926.

For the payment of salaries and other expenses of the office of the State Fire Marshal, to be paid from the State Fire Marshal's Fund, Ten Thousand Six Hundred Twenty-five Dollars\$10,625.00

Section 2. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1st, 1926 and ending June 30th, 1927.

For the payment of salaries and other expenses of the office of the State Fire Marshal, to be paid from the State Fire Marshal's Fund, Ten Thousand Six Hundred Twenty-five Dollars\$10,625.00

Section 3. This Act shall be in full force and effect from and after July 1st, 1925.

Approved March 12, 1925.

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HOUSE BILL NO. 460.

An Act Appropriating Money for the Administration and Other Expenses of the State Highway Commission and for the Maintenance and Construction, Supervision and Inspection of State Highways for the Two Years Beginning July 1, 1925 and Ending June 30, 1927.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary and available, be and the same are hereby appropriated out of any money in the State Treasury to the credit of the State Highway Fund, including the unexpended balance to the credit of such Fund on June 30, 1925, for the uses and purposes hereinafter stated, for the year beginning July 1, 1925 and ending June 30, 1926:

First, for administration expenses including payment of salaries, travel and all other administrative expenses of the State Highway Commission, Fifty Thousand Dollars	\$50,000.00
Second, for all costs and expenses of surveys, plans and all other field engineering expense incurred prior to the letting of contracts, Twenty Thousand Dollars.....	\$20,000.00
Third, for the maintenance of completed Federal Aid Projects, Seventy Five Thousand Dollars	\$75,000.00

Provided that the balance or remainder of said State Highway Fund not required to satisfy the above specific appropriations, but not to exceed the sum of One Hundred Thousand Dollars (\$100,000.00) be and the same is hereby appropriated for deposit to the credit of the State Highway Trust Fund, to be used in matching Federal Aid for the construction, supervision and inspection of Federal Aid Projects.

Section 2. That the following sums, or so much thereof as may be necessary and available, be and the same are hereby appropriated out of any money in the State Treasury to the credit of the State Highway Fund, including the unexpended balance to the credit of such Fund on June 30, 1926, for the uses and purposes hereinafter stated, for the year beginning July 1, 1926 and ending June 30, 1927.

First, for administration expense including payment of salaries, travel and all other administrative expenses of the State Highway Commission, Fifty Thousand Dollars	\$50,000.00
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Second, for all costs and expense of surveys, plans and all other field engineering expense incurred prior to the letting of contracts, Twenty Thousand Dollars.....\$20,000.00

Third, for the maintenance of completed Federal Aid Projects, Seventy Five Thousand Dollars\$75,000.00

Provided that the balance or remainder of said State Highway Fund not required to satisfy the above specific appropriations, but not to exceed the sum of One Hundred Thousand Dollars (\$100,000.00) be, and the same is hereby appropriated for deposit to the credit of the State Highway Trust Fund, to be used in matching Federal Aid for the construction, supervision and inspection of Federal Aid Projects.

Section 3. That the Highway Commission shall not expend any money from the State Highway Fund for any purpose not in this act specifically provided for; nor shall the Highway Commission expend any money from the State Highway Trust Fund except for the purpose for which same is placed in Trust.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 16, 1925.

HOUSE BILL NO. 461.

An Act Appropriating Money for the Purchase of Certain Property for the Montana Vocational School for Girls.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Three Thousand Five Hundred Dollars (\$3,500.00) for the purchase of a tract of land consisting of 210 acres adjacent to the Montana Vocational School for Girls; provided, however, that before the above described tract of land is purchased, the State Board of Examiners shall examine the same and determine whether the purchase thereof is necessary, and if in their judgment they find that the purchase of said tract of land is necessary they are hereby authorized to purchase the same, in an amount not to exceed the above named sum.

Section 2. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 12, 1925.

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HOUSE BILL NO. 462.

An Act to appropriate Money for the Payment of the Per Diem of the Officers and Attaches of the Nineteenth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Thousand Dollars, (\$5000.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of the per diem of the officers and attaches of the Nineteenth Legislative Assembly of the State of Montana.

Section 2. That this Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1925.

HOUSE JOINT MEMORIAL NO. 1.

A Memorial to the Congress of the United States Calling Attention to the Urgency of Accelerating Construction Work Upon the Flathead Irrigation Project, and Making Further and Adequate Appropriations Therefor.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Section 1. WHEREAS: It has been brought to the notice of the legislative body of the State of Montana that upon the Flathead project, an irrigation project being constructed and operated by the United States Indian Reclamation Service in the lower Flathead Valley, a shortage of water for irrigation purposes has existed during the past season on account of the delay in completing said project, and

WHEREAS, it is the conviction of this body that profitable crops cannot be produced upon this project without irrigation, and that there is an ample supply of water available upon the completion of said project, and

WHEREAS, farmers and business men settled upon said project almost fifteen years ago with the assurance that its works would be completed and placed in full operation without unnecessary delay. They have sacrificed from ten to fourteen years of their lives, together with capital brought in from former enterprises.

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They have demonstrated, with the limited supply of water at their disposal, that profitable crops can be raised, if they are assured an ample supply of water for irrigation purposes.

WHEREAS, this development and the influx of new settlers taking place at present creates a need for water for irrigation purposes which is imperative, therefore be it

RESOLVED, by the Nineteenth Legislative Assembly of the State of Montana that ordinary justice to, and a fair consideration for the right of, the farmers and business men aforesaid demand that no curtailment in construction on account of lack of funds be permitted at this time, and that sufficient money should be provided to carry on construction work upon said project in anticipation of all probable water requirements; and be it further

RESOLVED, that Congress be respectfully memorialized and petitioned, and it is hereby memorialized and petitioned to appropriate not less than \$150,000.00 to be used during the current fiscal year for construction work upon the Flathead project, and that work on said project in the future be completed without any unnecessary delay.

Section 2. Be it further resolved, that copies of this memorial be transmitted by the Secretary of State to the President of the Senate, the Speaker of the House of Representatives and to each of the senators and representatives from Montana.

Approved Feb. 13, 1925.

HOUSE MEMORIAL NO. 1.

Memorial to the Congress of the United States Asking It to Authorize the Participation of the United States in the International Conference for Arbitration and Disarmament of Nations to Be Held in Geneva on June 15, 1925.

WHEREAS: The League of Nations has issued a Protocol calling for an International Conference for Arbitration and Disarmament of Nations, to be held in Geneva, June 15, 1925, if prior to June 1, 1925, the majority of the permanent members of the Council of the League, consisting of Great Britain, France, Italy, and Japan, and at least ten other countries, ratify the Protocol; and

WHEREAS: The United States of America and all other non-member nations have been invited to ratify the Protocol and participate in the Conference; and

NINETEENTH LEGISLATIVE ASSEMBLY

WHEREAS: The League of Nations, though it may be crude in the making, is the greatest concerted effort yet made towards participation in carrying out the plan establishing world peace; and

WHEREAS: It is only through friendly cooperation and participation in a conference among nations, that the United States of America can point the way to universal peace; and

WHEREAS: It should be the chief duty of all who wish to spare coming generations untold miseries and sufferings which a scientific and chemical warfare may bring to humanity;

THEREFORE, BE IT RESOLVED BY THE NINETEENTH LEGISLATIVE Assembly of the State of Montana, that it is the sense of this Legislature that the Congress of the United States authorize the participation of the United States as a non-member in the conference for world disarmament to be held in Geneva, June 15, 1925, and to send a representation of America's greatest men to such conference:

BE IT FURTHER RESOLVED that a copy of this Memorial be forwarded to the Senate and the House of Representatives of the United States, and to each of the Senators and Representatives from Montana.

SENATE JOINT RESOLUTION NO. 1.

BE IT RESOLVED, By the Senate of the State of Montana, the House of Representatives concurring:

Section 1. That Whereas, the Republican and Democratic Parties of the State of Montana have sponsored a program of legislative economy in its platform in the campaign of the year 1924, and whereas, the members of the Senate and the House of Representatives of the State of Montana are now committed to a policy of economy during the Legislative Session of 1925, and whereas, it has been the practice heretofore for members of either house of the Legislative Assembly of the State of Montana to absent themselves from attendance upon legislative duties for many days and sometimes weeks during the Legislative Session,

Section 2. NOW, THEREFORE, BE IT RESOLVED, That if any member of either the Senate, or the House of Representatives of the State of Montana, shall absent himself from attendance upon the Session of the State Legislature during the Nineteenth Legislative Session for a period of more than five (5) days in succes-

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sion that he shall not receive any compensation for the days in excess of said five days that he shall be absent.

Section 3. Absence from attendance upon Legislative Sessions on account of sickness shall be considered as a sufficient excuse for non-attendance and no deductions in compensation shall be made from any member's per diem on account of absence by reason of sickness.

Section 4. This resolution shall be in full force and effect from and after its passage and approval by both Houses and filed with the Secretary of State.

Approved and filed Jan. 26, 1925.

HOUSE JOINT MEMORIAL NO. 2.

Memorial to the Senate of the United States of America in Congress Assembled That Immediate Action Be Taken Leading to the Participation of the United States in the Permanent Court of International Justice.

To the Honorable Senate of the United States of America:

Your Memorialists, the members of the Nineteenth Legislative Assembly of the State of Montana, the Senate and House concurring, respectfully represent: that

WHEREAS, WE BELIEVE that the participation of the United States in the Permanent Court of International Justice to be the first step towards the outlawry of war and of that fuller and more far-reaching international cooperation which shall end war, therefore

BE IT RESOLVED, by the Legislative Assembly that it unreservedly favors immediate action being taken leading to the participation of the United States of America in the Permanent Court of International Justice; in accordance with the Harding-Hughes plan, and

BE IT FURTHER RESOLVED, that a copy of this Memorial be forwarded to the Senate of the United States and to each of the Senators from Montana in Congress.

HOUSE MEMORIAL NO. 2.

Memorial to the Members of the Tariff Commission of the United States Opposing Reduction in Rates of Duty on Linseed Oil and Flax.

To the Honorable Tariff Commission of the United States:

NINETEENTH LEGISLATIVE ASSEMBLY

Your Memorialists, the members of the House of Representatives of the Nineteenth Legislative Assembly of the State of Montana, respectfully represent: That

WHEREAS, flax is one of the important crops of the northwestern United States and is grown quite generally in Montana, and to the extent of its planting tends to replace a similar acreage of wheat; and

WHEREAS, the rates of duty on flax and linseed oil established by the Tariff Act of 1922 are effective in maintaining an American price on flax that tends to equalize differences in costs of production between this and competing foreign countries, and to this extent is of direct and immediate importance to the farmers of the Northwest; and,

WHEREAS, application has been made to your Honorable Commission for a reduction in the rate of duty on linseed oil which, if recommended by your Commission and ordered by the President of the United States, would tend to work a hardship on the farmers of Montana and discourage the movement to replace wheat with flax which is now making satisfactory headway in some parts of the Northwest, therefore,

BE IT RESOLVED, by the House of Representatives of the Legislative Assembly that it unreservedly favors a retention of existing rates of duty on linseed oil and flax; and

BE IT FURTHER RESOLVED, that a copy of this Memorial be forwarded to the members of the Tariff Commission, to the President of the United States, and to each of the Montana Senators and members of Congress.

HOUSE JOINT RESOLUTION NO. 2.

A Resolution Providing for a First Year Collegiate Course at the State School of Mines.

WHEREAS, the State School of Mines, located in Butte, Silver Bow County, Montana, does not maintain a First Year Collegiate Course; and,

WHEREAS, many young men and women residing in and about Silver Bow County desire to obtain a First Year Collegiate Course at the State School of Mines; and,

WHEREAS, facilities exist at the State School of Mines for instituting a First Year Collegiate Course:

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THEREFORE, BE IT RESOLVED, by the House of Representatives and the Senate of the Nineteenth Legislative Assembly of the State of Montana, that the Chancellor of the State of Montana and the State Board of Education be, and they are hereby requested to institute a First Year Collegiate Course at the State School of Mines.

PETER J. KELLY,
SAM KINVILLE,
LEO J. McGRATH,
THOS. FOX,
JAMES T. FITZGERALD,
M. KERR BEADLE,
M. J. MULHOLLAND,
ERNEST A. HARDCASTLE,
JOHN J. CAPLIS,
TOD DORAN,
BAZEL TINSLEY,
E. N. JOFFRAY.

Approved March 12, 1925.

HOUSE RESOLUTION NO. 2.

INTRODUCED BY HOLTON AND WAITE.

Relating to Grazing Fees.

WHEREAS, Conditions existing in Montana for the past five years have been most serious and people engaged in the livestock industry and in farming have suffered to a greater extent than any other particular lines of business,

NOW, THEREFORE, BE IT RESOLVED, That in the interest not only of the people of the State of Montana, but to the income to be derived by the School Fund from the rentals of the state lands for agricultural or grazing purposes that the State Land Board is hereby authorized, and it is now recommended by the Legislature, now assembled, that the minimum grazing rental fee for state lands shall be set at Forty Dollars (\$40.00) per section per year, and that the agricultural rental for state lands shall be set at Fifty Cents (50c) per acre per year. It is believed that if this recommendation is adopted and authorized that it will result in greatly increasing revenues from the state lands and also will be of great benefit to the people engaged in agricultural pursuits and to the livestock industry.

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BE IT FURTHER RESOLVED, That a copy of this resolution be served upon the members of the State Board of Land Commissioners, the Register of State Lands, and the State Land Agent.

Approved Feb. 27, 1925.

HOUSE JOINT MEMORIAL NO. 3.

Memorial to the Congress of the United States of America to Enact Legislation to Promote Equality for Agriculture Under the American Protective System in the Case of Those Crops of Which a Normal Surplus Above Domestic Requirements Is Produced.

To the Honorable Senate and House of Representatives of the United States of America:

Your Memorialists, the members of the Nineteenth Legislative Assembly of the State of Montana, the Senate and House concurring respectfully represent that:

WHEREAS, the United States has established and maintained by law a system of protection which industry and labor make effective through their organization, and through controlled production and supply; and

WHEREAS, the entire land and agricultural policy of the United States has been aimed to secure maximum agricultural production, with a result that there is produced annually a normal surplus for export of fundamental crops; and it is physically impossible for agriculture to forecast or accurately control production, thus eliminating the surplus above domestic needs; and

WHEREAS, the sale of such normal surplus in the world market establishes the domestic price at world levels, making inoperative tariff schedules intended to protect an American price for that portion of the crop consumed at home; and

WHEREAS, the present improved price of some of the products of the farm is due to world shortages, and does not permanently remove the disparity between the rewards of agriculture and of industry and labor under our protective system; and

WHEREAS, it is vitally important to assure to agriculture, the basic American industry, a fair share of the national wealth by promoting parity for farming with industry and labor; and to prevent recurrence of the disastrous spread between farm and other prices that is fatal to general or permanent national prosperity; therefore,

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BE IT RESOLVED, by the Legislative Assembly, that it urges the enactment by the Congress of the United States, of Legislation creating a farmers' export corporation to dispose of the normal surplus of basic farm commodities at the expense of all the producers of such crop, in order that tariff schedules may be made effective in maintaining an American price for agriculture in our own domestic markets.

BE IT FURTHER RESOLVED, that a copy of this Memorial be forwarded to the Senate and House of Representatives of the United States, and to each of the Senators and Representatives from Montana in Congress.

HOUSE MEMORIAL NO. 3.

Memorial to Congress of the United States Asking It to Amend the Interstate Commerce Act So as to Protect Shippers and Livestock in Their Contracts with Carriers.

WHEREAS, The Interstate Commerce Act as amended has been construed by the United States Supreme Court to invalidate any contract entered into between a carrier and a shipper for the furnishing of cars to a shipper at a specified time.

WHEREAS, The United States Supreme Court has construed such a contract to be a preference and to constitute a special advantage to a shipper and therefore invalid.

AND WHEREAS, Shippers of livestock are now without any remedy for the violation of a carrier of such a contract.

THEREFORE, Be it resolved by the House of Representatives of the Nineteenth Legislative Assembly of the State of Montana, that it is the sense of the House of Representatives of this Legislature that the Congress of the United States should remedy this situation by the enactment of proper legislation to remedy the same.

BE IT FURTHER RESOLVED, That a copy of this Memorial be forwarded to the Senate and the House of Representatives of the United States and to each of the Senators and Representatives from Montana.

SENATE JOINT RESOLUTION NO. 3.

A Joint Resolution Relating to the Opening of the Great Lakes-St. Lawrence Waterway from Duluth to the Sea.

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WHEREAS, the opening of a direct passage from Duluth to the sea through the St. Lawrence River enabling ocean-going vessels to load at Duluth and other Lake ports for any port in the world, is absolutely necessary to bring the Great West in close contact with the markets of the world and

WHEREAS, this route shortens the distance from Montana to Northern Europe five hundred miles and places all points in the Great West one thousand miles nearer an ocean port, thereby enabling us to ship to market the products of our farms, mines and factories, at rates that would enable us to sell them at a profit and also create numerous new industries that cannot now be operated without loss, and

WHEREAS, the International Commission, established by the United States and Canadian Governments to consider the advisability of opening the Great Lakes to ocean-going ships, and to employ engineers to make preliminary surveys and report; did report on June 9, 1921, favorably to Congress, and

WHEREAS, the establishment of this route to the sea is the only hope of this great Midland Empire for a reduction of freight rates.

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the State of Montana, the House of Representatives concurring, that our representatives in the Senate and Congress of the United States be and are hereby requested to bring this matter before their respective Legislative Bodies; explain to them the imperative necessity now existing for said waterway, and do all in their power to get the United States Government to take immediate action to make this waterway a reality in the near future.

BE IT FURTHER RESOLVED, that a copy hereof be transmitted by the Secretary of the State of Montana to the Senators and Representatives of the State of Montana in Congress, and that they be urged to use their best efforts to obtain Congressional action as herein indicated.

Approved Feb. 28, 1925.

HOUSE JOINT MEMORIAL NO. 4.

A Memorial to the Congress of the United States Calling Attention to the Serious Need of Funds for the Support of Public Schools Located in Sections of the State Where Large Tracts of Indian Lands Are Exempt from Taxation and Calling Upon

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Congress to Appropriate Funds for Assistance in the Support of Public Schools So Situated.

WHEREAS, Many Indian children are now attending public schools in Montana near their places of residence; and

WHEREAS, These public schools are frequently in serious need of funds for maintenance; and

WHEREAS, Vast tracts of land owned by Indians are exempt from taxation; and

WHEREAS, An undue burden of school support devolves upon the few taxpayers in these regions; therefore, be it

RESOLVED, by the Nineteenth Legislative Assembly of the State of Montana, that in fairness to all children attending the public schools in such parts of the State as have Indian lands exempt from taxation, federal funds should be provided for assistance in the support of such public schools; and

BE IT FURTHER RESOLVED, That Congress be petitioned to appropriate funds for assistance in making it possible to finance a satisfactory educational program in these seriously handicapped districts.

BE IT FURTHER RESOLVED, That a copy of this Memorial be forwarded to the Senate and House of Representatives of the United States and to each of the Senators and Representatives from Montana in Congress.

Approved March 12, 1925.

HOUSE MEMORIAL NO. 4.

A Memorial to the Senate of the United States Urging the Immediate Enactment of Pending Legislation to Provide Adequate Compensation for Postal Employees.

To the Honorable Senate of the Congress of the United States:

Your Memorialists, the Members of the House of Representatives of the Nineteenth Legislative Assembly of the State of Montana, respectfully represent:

WHEREAS, Three Hundred Thousand employees of the Post Office Department of the National Government are now receiving rates of pay insufficient to provide for a proper standard of living, and below the average paid for work of a similar sort in other government departments, and

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WHEREAS, Nowhere in any similar branch of the public service or in similar private employment, is a higher degree of intelligence required, nor is the responsibility as great, the work as important and the labor as arduous, as among the employees of the Postal Service, and

WHEREAS, Efficiency in the Postal Service cannot be maintained without the constant addition of new and capable personnel, and

WHEREAS, Pay increases during the past nine years have not kept pace with known increase in costs of living, and that good men are not now being attracted into the service at the starting wage of Fourteen Hundred (\$1400.00) Dollars per year, and

WHEREAS, Employees of the Postal Service are handicapped in the matter of agitating for just increases because they are denied affiliation with powerful labor organizations, and are forbidden to strike to enforce their demands; and

WHEREAS, House Bill No. 11444 has just passed the House of Representatives of the Congress of the United States providing for increases in pay for postal employees that will in great measure, remedy the injustice now being perpetrated upon these faithful servants of the Government and provide equitable compensation for their labors.

THEREFORE, BE IT RESOLVED: By the members of the House of Representatives of the Nineteenth Legislative Assembly of the State of Montana, that we do hereby memorialize the Senate of the United States to take steps at once to concur in House Bill No. 11444 in order that the present session may see this matter fully accomplished and this great wrong righted, and

BE IT FURTHER RESOLVED: That a copy of this Memorial be forwarded immediately by the Secretary of the State to the President of the United States, to the President of the Senate of the United States, and to our Senators and Representatives in Congress.

Approved Feb. 19, 1925.

HOUSE JOINT RESOLUTION NO. 4.

Providing That Fifty Per Cent of the Grazing Fees Received During Any Fiscal Year from National Forests Shall Be Paid to the State or Territory in Which the National Forest Is Located.

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WHEREAS, There has been introduced in the United States Senate, Senate Bill No. 2424 by Phipps, which is an Act concerning live stock grazing fees on National Forests, and

WHEREAS, This bill provides that fifty percent of the grazing fees received during any fiscal year from National Forests shall be paid to the state or territory in which the National Forest is located, and

WHEREAS, This bill meets with the hearty approval of the stockmen of Montana,

NOW THEREFORE BE IT RESOLVED, That the Senate and House of Representatives of the State of Montana, request the Montana Representatives in Washington to support and work for the passage of the Phipps bill.

Approved Feb. 19, 1925.

SENATE JOINT RESOLUTION NO. 6.

A Joint Resolution Requesting the Appointment of a Commission by the Governor of the State of Montana, Consisting of Three Members of the Senate and Three Members of the House of Representatives to Act in Conjunction with a Commission of the United States for the Purpose of Considering and Carrying Out a Governmental Program for the Proper Commemoration of the Two Hundredth Anniversary of the Birth of George Washington.

Whereas, on December second, A. D. 1924, the President of the United States signed the Bill, passed in June, by the Congress of the United States, whereby a commission composed of fifteen members, was created for the purpose of the consideration and carrying out of a governmental program for the commemoration, nationally and internationally, of the two hundredth anniversary of the birth of George Washington, and

Whereas, the foregoing mentioned project was conceived and accomplished by and through the efforts of the George Washington Sulgrave Institution, and

Whereas, it is the purpose and work of the aforementioned Institution to present the matter to the several states of the Union with the hope in view that each state will officially sanction and further such project and thereby enable the nation as a whole to participate in this notable and tremendous celebration,

Now Therefore Be It Resolved by the Senate of the Legislature

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of the State of Montana, the House of Representatives concurring:

That in view of the foregoing, that this Assembly for and in behalf of itself and the people of the State, record themselves in favor of the observance of the two hundredth anniversary of the birth of George Washington, and earnestly request the Governor of the State of Montana to appoint a commission consisting of three members of the Senate and three members of the House of Representatives to act in conjunction with the commission selected or which may be selected by Congress in order that the two hundredth anniversary of the Father of Our Country be properly and fittingly observed.

Be it further resolved, that a copy of this resolution be forwarded by the Secretary of State to the Congress of the United States and to the George Washington Sulgrave Institution at Washington, D. C.

Approved Feb. 28, 1925.

HOUSE JOINT RESOLUTION NO. 7.

A Resolution Providing for the Appointment of a Commission to Investigate and Recommend to the Twentieth Legislative Assembly the Manner in Which the Services Rendered the State of Montana by the Lewis and Clark Expedition Should Be Commemorated.

WHEREAS, no Legislative action has been taken by the State of Montana, to commemorate the expedition of Lewis and Clark made in 1804-5-6, with the exception of naming Lewis and Clark County.

AND WHEREAS, those intrepid explorers spent much of their time in traversing the country now embraced within the State lines of Montana and in traversing the course of the Missouri and Yellowstone Rivers and their tributaries under the most trying and dangerous conditions of exploration.

AND WHEREAS, a constantly growing sentiment is manifest that some official action should be taken by the construction of a suitable commemorative monument which should be erected to immortalize for all time the heroic valor, under most trying and dangerous conditions among hostile Indians in an unknown country, which resulted in the successful exploration of over two thousand miles of territory and the subsequent acquisition thereof by the United States.

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THEREFORE, BE IT RESOLVED that a Lewis and Clark commission is hereby created to consist of the Governor, Chief Justice of the Supreme Court, State Treasurer, State Superintendent of Public Instruction and the Librarian of State Historical Society who shall be secretary.

AND BE IT FURTHER RESOLVED, that the said commission shall investigate and secure proposals for a site for the erection and designs for the proposed monument, and the cost thereof, to be submitted and recommended to the Twentieth Legislative Assembly to convene in January, 1927, for such action as said Legislative Assembly may take, provided that such commission shall serve without compensation.

Approved Feb. 28, 1925.

SENATE JOINT RESOLUTION NO. 8.

A Joint Resolution Relating to Reimbursing the Land Grant Income and Investment Funds for Moneys Unlawfully Taken Therefrom for the Expenses of the State Land Office with Interest for the Years 1894 to 1924, Inclusive, and to Return from the General Fund Interest Earned on the Permanent School Fund for the Years 1907 to 1924, Inclusive, and to Provide for the Refunding and Payment Thereof.

WHEREAS, the Enabling Act approved February 22, 1889 admitting Montana into the Federal Union, provides, that the Sections of public lands number 16 and 36 in each township and range, within the State, shall be granted in trust to the State for the support of the common schools and educational purposes. This munificent grant of approximately 6,000,000 acres was to constitute a permanent school fund, the interest of which only shall be expended in the support of the public schools, and

WHEREAS, by Ordinance No. 1, Section 7 of the State Constitution the State of Montana accepts this grant of lands thus donated by the Federal Government to the schools and higher educational institutions of the State and agreed to administer the trust so created as part of its sovereign powers and duty, and

WHEREAS, the State Constitution in Article XI, Section 2, 3, 5 and 12, declares that the "Public School Fund" of the State shall consist of the proceeds of such lands as have heretofore been granted, or may be known as school lands and shall forever remain inviolate, guaranteed by the State against loss or diversion.

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The interest on the Public School Fund, and all rents accruing from the leasing of the granted land shall be apportioned among the several school districts of the State which maintain a public free school for at least three months each year; this income so obtained was likewise guaranteed by the State against loss or diversion, and

WHEREAS, large sums of money were derived from the sale and leasing of these school-lands and was deposited in the various banks within the State and interest of $2\frac{1}{2}\%$ paid thereon, per annum, which was wrongfully deposited in the General Fund thereby causing loss to the Public School Fund and in the very large sum of \$253,004.36 dollars, prior to 1921, and

WHEREAS, the expenses of the State Land Office for all the years prior to January 1, 1921, were paid out of the income obtained from interest and rentals of the public school lands, which expense totals the staggering sum of \$892,468.54. Had these various items paid out of said Income Fund been loaned in the usual course of other investments made by the State Land Board, these different sums thus diverted would have earned for the public schools of the State the neat sum of \$760,422.59.

WHEREAS, all claims for said salaries, traveling expenses, office furniture, stationery and record books, to maintain and operate the State Land Department from its creation as a branch of the State Government up to January 1, 1921, have been presented to the different Boards of State Examiners of Montana and said claims approved and ordered paid from the Income and Investment Fund, made up of interest from the invested Permanent School Funds and rentals of the State School Lands. Warrants have been drawn by the State Auditor in payment of said claims, so presented and allowed. All of said warrants so drawn were immediately presented by the different holders thereof to the State Treasurer and by him paid out of the money on deposit to the credit of the common schools and other educational institutions of the State.

NOW THEREFORE BE IT RESOLVED, By the Senate of the State of Montana, the House of Representatives concurring, that the State Board of Examiners of Montana, should be authorized and directed by proper enactment to transfer from the General Fund of the State, to the Income and Investment Fund all money heretofore unlawfully diverted and paid out of said Income and Investment Fund, in payment of salaries, expenses, office equipment of the State Land Department, together with interest earned on school money deposited in the banks of the State with interest included on the different items and amounts at 5% per annum,

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from the date such sums were erroneously and unlawfully diverted which now make the grand total of \$1,905,895.49.

BE IT FURTHER RESOLVED, that upon investigation by the State Board of Examiners, it is found that the General Fund of the State will not permit of the transfer of so large a sum of money at one time to the Income and Investment Fund; that the State Board of Examiners should be directed and authorized by proper enactment to issue refunding certificates of indebtedness drawn on the General Fund and made payable to the Income and Investment Fund of the public schools of the State of Montana in such form, number and different amounts as said Board may deem necessary to meet the condition of the General Fund at the date such refunding certificates of indebtedness are to become due and payable.

The State Board of Examiners should be empowered and authorized by proper enactment to sign said refunding certificates of indebtedness and affix the Great Seal of the State of Montana and to do any and all things required to be done to repay the Income and Investment Fund, the amount that has been heretofore diverted unlawfully, with interest thereon at 5% per annum.

The State Treasurer may be empowered by said Board to create a special "Public School Redemption Fund" by transferring from the moneys accruing in the General Fund, from time to time, to said Public School Redemption Fund, the amount necessary to pay off the refunding certificates of indebtedness at such date as said refunding obligations become payable.

PROVIDED, however, the State Board of Examiners should be directed, authorized and empowered by proper enactment to use any plan or other method of replacing the Public School Fund which has been diverted from its lawful purpose, that may better serve the end sought, of restoring a trust fund unlawfully diverted.

Approved March 10, 1925.

SENATE RESOLUTION NO. 8.

WHEREAS, the Columbia River and its tributaries are interstate streams having their sources in a drainage area of approximately 250,000 square miles, said streams flowing through the states of Montana, Idaho, Washington, and the Columbia River forming the boundary between the states of Washington and Oregon, and

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WHEREAS, the above named states are vitally interested in the possible development of the Columbia River and its tributaries for irrigation, power, domestic, and navigation uses, and

WHEREAS, the Secretary of the Interior, in a letter to the President, dated December 11, 1924, has pointed out that plans for future reclamation development must take into consideration the needs of the states and the water right problems of interstate streams and stated that efforts to reach an agreement for the economic apportionment of water of interstate streams by the states concerned, "Have the cordial approval and support of this Department," and

WHEREAS, it is advisable, in order that the interest of the people of the State of Montana may be properly safeguarded, and that the Members of the Legislature may be properly informed regarding the matters as herein set forth, that an authorized representative be appointed to confer with like representatives from other states and the Government of the United States.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES JOINTLY CONCURRING:

That the Governor shall appoint the State Engineer who shall serve without additional compensation as the representative of the State of Montana on a joint commission composed of one representative from each of the states of Montana, Idaho, Washington, and Oregon and two duly authorized representatives of the United States of America, the principal duty of which commission shall be to negotiate and enter into an agreement between the several states hereinabove mentioned and between the said states and the United States of America, subject to the consent of congress, respecting the further use and disposition of the waters of the Columbia River and streams tributary thereto, and fixing and determining the rights of each of said states and the rights of the United States in and to the use, benefit and disposition of the waters of the Columbia River and its tributaries; provided, however, that any agreement so entered into by said states and the United States of America shall not be binding or obligatory upon any of the high contracting parties thereto unless and until such agreement shall have been ratified and approved by the legislature of each of the above mentioned states and by the Congress of the United States.

RESOLVED, that the Governor of Montana, immediately after such representative of the State of Montana has been appointed and has qualified, shall notify the Governor of each of the above mentioned states of the appointment of the said representative of

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this State, giving his name and address, but said representative shall not enter upon the performance of his duties until a representative to serve upon said joint commission shall have been named and qualified for each of the states named.

RESOLVED, that said representative from the State of Montana shall have full authority to make any and all investigations of the Columbia River and the drainage area thereof, which may become necessary in order to sufficiently advise said representative of the physical conditions obtaining upon said streams, and of the present and future need of the State of Montana and its citizens to the use and benefit of the waters of said stream. To that end said representative shall have power to administer oaths, examine and require the attendance of witnesses and to perform such other duties as may be necessary to sufficiently apprise said representative of the facts and furnish him with adequate information in order that he may properly perform his duties as representative of the State of Montana upon said joint commission.

Filed March 2, 1925.

SENATE JOINT RESOLUTION NO. 9.

A Resolution Regarding the Operation of the Irrigation Projects on the Blackfeet Indian Reservation.

WHEREAS, information has come to the Legislative Assembly of the State of Montana to the effect that at the present time, owing to transfer of management of the Irrigation Projects on the Blackfeet Indian Reservation, in Montana, there is no available appropriation for the operation of the said projects for the farming season of the fiscal year ending July 1, 1926; and

WHEREAS, the facts are shown to be as follows:

1. There are four divisions of the said Blackfeet Irrigation Project; viz., Two Medicine, Badger-Fisher, Birch Creek, and Piegan, and that these contain and embrace in all approximately 20,000 acres of irrigable lands under the ditches constructed.
2. The settlers and lessees now residing on these projects market their products and do their trading in the town of Valier, and
3. The lessees and settlers on these projects have expended large sums in developing the lands of these projects by the construction of buildings, fences and roads, and by the planting of alfalfa and the making of other permanent improvements, and
4. The cost of such improvements and low prices of farm prod-

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ucts have so reduced the finances of these lessees as to make them unable to meet water rental payments in the past but now under more normal prices for such products additional lands have been leased until practically all available land has been contracted for, and

5. The leases have been entered into with the understanding that water would be available for all time for irrigation purposes, and

6. The productivity of the lands covered by these leases is largely dependent on the use of irrigation water on growing crops, and

7. The failure to supply such water may mean the loss of many thousands of acres of crops and consequent suffering among the lessees depending on such crops for a livelihood, and

NOW, THEREFORE, BE IT RESOLVED, that such failure would reflect in a very discreditable manner on our government as a breach of confidence and work a great hardship directly on the settlers and indirectly on this entire community; and therefore we, the Senate of the State of Montana, the House concurring, do hereby respectfully petition that you do all in your power to secure an appropriation in the sum of \$25,000, to the end that the emergency of keeping the irrigation of the projects above mentioned in operation, be thereby met, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to our Senator T. J. Walsh, to our Senator B. K. Wheeler, to our Representatives, Scott Leavitt, John M. Evans, and to the Commissioner of Indian Affairs, and thereby call the attention of these Gentlemen to the matter of this Resolution and respectfully urge upon them that they use their best efforts in obtaining the appropriation by them deemed necessary in the premises.

Approved March 10, 1925.

SENATE JOINT RESOLUTION NO. 10.

WHEREAS, the State and local Chambers of Commerce of the States of Oregon, Washington, Idaho, and Montana have taken the initial steps to hold the "Pacific Northwest Commercial and Industrial Exposition" in the spring of 1926, in the City of New York, and

WHEREAS, such proposed Exposition has for its primary purpose the extension into eastern markets of the manufactured arti-

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cles and agricultural and trade products of the Pacific Northwest, and to attract attention to investors, manufacturers, and tourists to the industrial and agricultural resources of the Northwest;

NOW, THEREFORE, BE IT RESOLVED, by the Senate and House of Representatives of the State of Montana, that the Legislature of the State of Montana heartily endorses the project and urges the citizens of this and the other states of the Pacific Northwest to aid in every way to bring about its successful consummation.

Approved March 10, 1925.

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CHANGES OF NAMES REPORTED IN 1923 AND 1924.

Date of Judgment	Original Name	Name Deceased	Residence
Oct. 31, 1923	Sigmund S. Rzeszotarski	Sigmund S. Traski	Lewistown, Mont.
Jan. 22, 1923	James Henry Kelly	James Henry Ege	Livingston, Mont.
Jan. 22, 1923	Edward Raymond Kelly	Edward Raymond Ege	Livingston, Mont.
Mar. 12, 1923	Irene M. Reitzel	Irene M. Judgkins	Livingston, Mont.
Mar. 9, 1923	Jewel Eder	Jewel Birch	Livingston, Mont.
Apr. 21, 1923	Clara M. Percy	Clara M. Mickelson	Livingston, Mont.
May 3, 1923	Mildred B. Dyer	Mildred B. Behan	Livingston, Mont.
May 21, 1923	Iona Belle Jones	Iona Belle Alley	Livingston, Mont.
May 17, 1923	Harold G. Webb	Harold G. Eacret	Livingston, Mont.
Jan. 8, 1923	Sibel Angeline Kearns	Sibel Angeline Taylor	Livingston, Mont.
Aug. 13, 1923	Clark Raymond	Eugene Warren James	Livingston, Mont.
Oct. 15, 1923	Helen Mjelde	Helen Hoyem	Livingston, Mont.
Oct. 15, 1923	Amy McKay	Amy Moriarty	Livingston, Mont.
Oct. 26, 1923	Francis C. Tripp	Francis C. Stock	Livingston, Mont.
Dec. 17, 1923	Pearl Allen	Pearl Kephart	Livingston, Mont.
Dec. 17, 1923	Nancy J. Everett	Nancy J. Strickland	Livingston, Mont.
Dec. 17, 1923	Ethyl Lucile Bridgeman	Christine Hope Conrade	Livingston, Mont.
Dec. 17, 1923	Clara Severson	Clara Carr	Livingston, Mont.
Oct. 8, 1923	Alice Anne Adams	Alice Anne Grover	Polson, Mont.
Dec. 26, 1923	Hans Tobias Hanson	Hans Hanson Selfore	Ronan, Mont.
Oct. 20, 1922	Carl Persson Smith	Carl Persson	Power, Mont.
Oct. 10, 1923	Julia Rhodes	Julia Lyga	Baker, Mont.
Oct. 22, 1923	Nellie C. Sinclair	Nellie C. Eastcott	Baker, Mont.
Jan. 3, 1924	Thomas Cleary Jr.	Thomas Lang	Deer Lodge, Mont.
July 2, 1924	Adam C. Long	Arthur C. Long	Westmore, Mont.
Sept. 23, 1924	George Polyhronopoulos	George Poulos	Plevna Mont.
Dec. 16, 1924	Beatrice Haffle	Beatrice Daugherty	Baker, Mont.
Dec. 29, 1924	Valfrid Kullander	Olaf Valfrid Erickson	Anaconda, Mont.
Sept. 2, 1924	Anders Gustav Nelson	Andrew Gustav Hamilton	Philipsburg, Mont.
Jan. 12, 1924	Verna McKee	Verna Williams	Livingston, Mont.
Mar. 11, 1924	Vincent DePaul	Thomas DePaul Spencer	Livingston, Mont.
May 2, 1924	Margaret Sheahan	Margaret Willis Coffin	Livingston, Mont.
May 2, 1924	David Arthur	George Benjamin Chaffee	Pray, Mont.
May 10, 1924	Helen Schoaff	Helen Moffitt	Livingston, Mont.
June 23, 1924	Gladys Doris Fessenden	Eunice Smith	Miner, Mont.
Sept. 5, 1924	Mary J. Morris	Mary J. Sexton	Livingston, Mont.

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CHANGES OF NAMES REPORTED IN 1923 AND 1924.

Date of Judgment	Original Name	Name Decreed	Residence
Sept. 12, 1924	Anita Elfie Mjelde.....	Anita Elfie Anderson.....	Livingston, Mont.
Sept. 19, 1924	Anna L. Smith.....	Anna L. Gilmore.....	Livingston, Mont.
Oct. 4, 1924	Warren Frazer	John Warren Grady.....	Livingston, Mont.
Nov. 17, 1924	Julian Deerwood	Arthur LeGrand Dickinson	Livingston, Mont.
Nov. 20, 1924	Frances Hovland	Frances Nelson	Livingston, Mont.
Dec. 8, 1924	Lillian Lowther	Lillian Wilson	Livingston, Mont.
Dec. 8, 1924	Grace Dutton	Grace Evans	Livingston, Mont.
Oct. 1, 1924	Lillian Maud Beck.....	Lillian Maude Miracle.....	Helena, Mont.
Dec. 6, 1924	Clifford Joseph Dave.....	Clifford Joseph Wilmer.....	Helena, Mont.

APPENDIX

APPENDIX

The following laws were passed by vote of the people at the general election held November 4, 1924:

(Constitutional Amendments)

CHAPTER 97.

Laws of 1923.

“An Act for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section 10 of Article IX of the Constitution of the State of Montana, Relating to the Qualifications of County Superintendents of Schools and School District Officers.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10 of Article IX of the Constitution of the State of Montana be amended as hereinafter provided and that the question of said amendment be submitted to the qualified electors of the state of Montana at the next general election.

Section 2. That Section 10 of Article IX of the Constitution of the State of Montana be and the same is hereby amended to read as follows:

“Section 10. All persons possessing the qualifications for suffrage prescribed by Section 2 of this Article as amended and such other qualifications as the legislative assembly may by law prescribe, shall be eligible to hold the office of county superintendent of schools or any other school district office.”

Section 3. Separate official ballots shall be provided at the general election to be held in November, 1924, which shall have printed thereon all of Section 10 of Article IX of the Constitution of the State of Montana as amended by this Act, and below the same shall be printed the words:

☐

For the above written amendment to the Constitution.

☐

Against the above written amendment to the Constitution.

Each elector shall designate his preference by marking an “X” in the square before the proposition for which such elector desires to vote.

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Section 4. The votes cast for and against the amendment above proposed shall be canvassed, determined and declared as provided by the general election laws of the State of Montana.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 7, 1923.

The above Chapter was ratified by the people at the General Election held November 4, 1924, and became part of the Constitution by virtue of the Governor's proclamation on December 9th, 1924.

The vote:

For	81,814
Against	44,920

CHAPTER 134.

Laws of 1923.

“An Act to Submit to the Qualified Electors of the State of Montana an Amendment to the Constitution of the State of Montana, Adding Thereto a New Article, Providing for the Acceptance and Administration by the State of Gifts, Donations, Grants and Legacies for the Creation of a State Permanent Revenue Fund, for the Creation of a State Permanent School Fund, for the Creation of a Permanent Revenue Fund for the University of Montana, and for the Benefit of Other Useful, Benevolent and Worthy Objects; and Authorizing the State to Administer Other Funds Together with Those Hereinbefore Indicated.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana for their approval or rejection at the general election to be held in November, 1924.

Section 2. That the Constitution of the State of Montana be amended and the same is hereby amended, by adding thereto a new Article to be known and designated as Article Twenty-One (21), reading and being as follows:

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ARTICLE XXI.

Section 1. (of Article 21). The State of Montana does hereby agree and covenant to accept from any natural person, or persons, from inside or outside the State, gifts, donations, grants and legacies in any amount or value not less than Two Hundred fifty (\$250.00) Dollars each, for the creation of a State Permanent Revenue Fund, for the creation of a State Permanent School Fund, for the creation of a Permanent Revenue Fund for the University of Montana, and for the benefit of scientific, educational, benevolent and charitable work, subject, however, to all the provisions and limitations of this article.

Section 2 (of article 21). The State further agrees and covenants to hold in trust all such contributions (gifts, donations, grants, and legacies), to administer the same perpetually, and to apply the net earnings thereof as therein directed, subject, however, to the provisions and limitations of this Act.

Section 3 (of Article 21). The original amounts of all contributions for the State Permanent Revenue Fund, for the State Permanent School Fund, and for the Permanent Revenue Fund for the University of Montana, shall be added to such funds respectively and become inseparable and inviolable parts thereof. Contributions for other objects may contain a provision to the effect that the net earnings thereof, or part of the net earnings, shall be added to the principal for a certain length of time, or until it has reached a certain amount, or until the happening of a certain event, but such contingent event shall not be more remote than permitted by the laws effecting perpetuities; but no contribution containing such provision as to accumulation shall be accepted by the State until it has been approved by the supervisory board hereinafter constituted, which board shall have power to reject any such contribution that it may deem unwise.

Section 4 (of Article 21). The State Treasurer shall keep a permanent record of all such gifts, donations, grants and legacies, showing the names of the givers, the purpose of the contribution, and other essential facts relating thereto. A duplicate of this record shall be kept by the Secretary of State. These records shall be preserved perpetually as a lasting memorial to the givers and their interest in society. The Legislative Assembly shall from time to time make provision for suitable publicity concerning these benefactors of their fellowmen.

Section 5 (of Article 21). The same State Board and officers that have charge of the investment and administration of the Public School Fund of the State shall have charge of the investment

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and administration of all the funds administered under this article. All these funds shall be invested as one common fund to be known and designated as the Montana Trust and Legacy Fund. In case any contribution is in some other form than cash, such board shall convert it into cash as soon as practicable.

Section 6 (of Article 21). All investments of these funds shall be safely and conservatively made. Preference shall be given to long term loans secured by first mortgages on town and city homes or on cultivated and producing farms in this State free from all prior liens and encumbrances, and also to Montana Bonds issued for educational purposes. All such loans and bonds shall be payable on the amortization plan. No loan in which the security is a mortgage shall exceed fifty per cent of the actual cash value of the real estate given as security. No farm loan shall be for a longer period than forty years, and no loan secured on residence property shall be for a longer period than twenty years. No loan secured on town or city property shall be made until the particular town or city and subdivision thereof in which it is located has been accepted and approved by the State Board, having charge of the investment, as permanently established, having an assured future and being in every way safe security for these investments. Investment may also be made in other safe interest bearing securities; provided, however, that no part of such funds shall ever be invested in obligations of the State of Montana, except general fund warrants which will be paid within one year from the time of the investment. No discrimination shall ever be shown for or against any loan applicant; provided, however, that in passing on a loan or investment, consideration shall be given, not only to the ampleness of the security, but also the character and earning capacity of the applicant and to the purpose of the loan; and provided further that so long as the available funds are inadequate to meet the demand, preference shall be given to the smaller loans. The rate of interest shall always be a reasonable rate, considering the character of the loan or investment, but different rates may be charged for different classes of loans and investments.

Section 7 (of Article 21). It is the meaning and intention of this Article that all investments of these funds shall be confined exclusively to safe loan investments, drawing a fixed rate of interest and being in aid of home making, farming and educational work, or otherwise conducive to the progress and well being of society.

All long term investments shall be on the amortization plan. Further regulations and limitations concerning these investments shall be provided by law.

Section 8 (of Article 21). Whenever the security given for a

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loan is liable to damage or destruction by fire, the insurance company accepting the risk shall be absolutely liable to the State for the full amount of the policy, and the policy itself shall specifically recite such full liability. The State may itself provide for insurance on any property constituting security for its loans.

Section 9 (of Article 21). The Legislative Assembly may provide other and additional ways and means for beginning or increasing any of the funds created or authorized by this Article.

Section 10 (of Article 21). The State of Montana shall accept for investment and administration together with the aforesaid funds constituting the Montana Trust and Legacy fund, but as separable parts thereof, sinking funds, permanent funds, and cumulative funds belonging to the State and its political subdivisions, and also other funds designated by the Legislative Assembly, when requested to do so by the authorities having the care and custody of such funds. All such funds and the accrued interest, less the State compensation hereinafter fixed, shall be repaid when due. The provisions of this section shall not apply to the Public School Funds of the State, which school fund shall be administered separately as already prescribed by the constitution.

Section 11 (of Article 21). The State shall be entitled to receive as compensation for the administration of all the funds administered under this act one twentieth ($1/20$) of all the interest collected thereon each year. On the last day of December of each year, the State Treasurer shall transfer to the State General Fund such one twentieth ($1/20$) of all the interest collected during the year, less all the losses ascertained during the year, which losses shall be deducted from the one twentieth constituting the compensation of the State. The balance of the interest collected shall be the net earnings and shall be credited pro rata to each and every fund constituting the Montana Trust and Legacy Fund that was in the keeping of the State on January 1st of that year, based on the total thereof on that date, and shall be added to each such fund, or held available for the beneficiaries as the case may be. Sums due beneficiaries shall be paid out during the ensuing month of January, as far as practicable.

Section 12 (of Article 21). All the net earnings accruing to the State Permanent Revenue Fund shall annually be added thereto until it has reached the sum of One Hundred Million Dollars (\$100,000,000.00). Thereafter only one twentieth of the annual net earnings shall be added to the fund itself, and the remaining nineteen twentieths of the net earnings shall be used for the general expenses of the State.

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Section 13 (of Article 21). All the net earnings accruing to the State Permanent School Fund shall annually be added thereto until it has reached the sum of Five Hundred Million Dollars (\$500,000,000.00). Thereafter only one twentieth of the annual net earnings shall be added to the fund itself, and the remaining nineteen twentieths shall annually be apportioned to the school districts of the State on the basis of the aggregate actual school attendance in each district during the preceding school or calendar year by persons between the ages of six and eighteen years and shall be used exclusively for educational purposes, subject to such regulations and limitations as may be prescribed by law.

Section 14 (of Article 21). All the net earnings accruing to the Permanent Revenue Fund for the University of Montana shall annually be added thereto until it has reached the sum of One Hundred Million Dollars (\$100,000,000.00). Thereafter only one twentieth of the annual net earnings shall be added to the fund itself, and the remaining nineteen twentieths shall be apportioned to all the educational institutions then comprising the University of Montana, on the basis of the aggregate actual attendance in each institution during the preceding school or calendar year, and may be used for all purposes properly connected with the work of these institutions, subject, however, to such regulations and limitations as may be prescribed by law.

Section 15 (of Article 21). Whenever the purpose for which a certain contribution was made has been accomplished, or can no longer be ascertained or followed, then the total amount of such fund shall be transferred to the State Permanent School Fund and become a Permanent and inviolate part thereof. All contributions without a specified purpose shall be credited to the State Permanent School Fund.

Section 16 (of Article 21). Should the time ever come when any of the three aforesaid permanent funds become so large that no further increase is necessary or desirable, then, in such case, the Legislative Assembly shall have power to provide for the use of all of the net income from such fund for the purpose for which it was created, or it may use the one twentieth of the annual net income which was to be added to the fund itself for the creation of other permanent revenue funds, or for any other public purpose that it may deem wise; provided, however, that none of the foregoing provisions of this section shall apply to any of these funds until it has reached the specific amount fixed by this Article.

Section 17 (of Article 21). The Justices of the Supreme Court of the State of Montana are hereby made and constituted a super-

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visory board over the entire administration of all the funds created or authorized by this article and the income therefrom. During January of each year, this board shall review the administration for the preceding year. It shall decide all uncertain or disputed points arising in the administration of the funds whenever requested to do so by a beneficiary, by a State Official charged with some part of the administration of the fund, or any other interested party; and it may do so upon its own initiative. It shall be the duty of the supervisory board to do and perform all acts and things that it may deem necessary in order to cause the board and officers having direct charge of these funds to administer the same carefully and wisely in full compliance with the provisions of this article and such further legislation as may be enacted relating thereto. The Clerk of the Supreme Court shall be Ex-Officio Clerk of this Supervisory Board.

Section 18 (of Article 21). The Legislative Assembly shall from time to time enact such further legislation as it may deem necessary to carry into effect the provisions of this article.

Section 3. Separate official ballots shall be provided at the general election to be held in November, 1924, which shall have printed thereon all of Article Twenty-one (21) of the Constitution of the State of Montana as proposed by this act. There shall also be printed on said official ballots, below the said article, squares and the words as follows:

☐

For the foregoing amendment to the Constitution.

☐

Against the foregoing amendment to the Constitution.

Each elector who approves this amendment shall mark an X in the first square above printed, and each elector who rejects it shall mark an X in the second square.

Section 4. The votes cast for and against this proposed amendment shall be canvassed, determined and declared as provided by the laws of the State of Montana.

Section 5. All Acts and parts of Acts in conflict with the provisions of this act are hereby repealed.

Section 6. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 8, 1923.

The above Chapter was ratified by the people at the General Election held November 4, 1924, and became a part of the Con-

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stitution by virtue of the Governor's proclamation on December 9, 1924.

The vote:

For	73,574
Against	49,267

REFERENDUM MEASURE NO. 27.

House Bill No. 8.

Laws of 1923.*

“An Act to Repeal Sections 671, 672, 673, 674, 675 and 676 of the Revised Codes of Montana 1921, These Sections Now Being What was Initiative Measure Entitled ‘A Bill to Propose by Initiative Petition a Law to Provide for the Expression by the People of the State of Montana of Their Preference of Party Candidates for President and Vice-President of the United States, the Election of Delegates to Presidential Conventions and the Nomination of Presidential Electors by Direct Vote,’ Initiated and Passed by the People of the State of Montana at the General Election of 1912.”

“An Act to Repeal Sections 671, 672, 673, 674, 675 and 676 of the Revised Codes of Montana 1921, These Sections Now Being What was Initiative Measure Entitled ‘A Bill to Propose by Initiative Petition a Law to Provide for the Expression by the People of the State of Montana of Their Preference of Party Candidates for President and Vice-President of the United States, the Election of Delegates to Presidential Conventions and the Nomination of Presidential Electors by Direct Vote,’ Initiated and Passed by the People of the State of Montana at the General Election of 1912, and Providing for a Referendum Upon This Act.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 671, 672, 673, 674, 675 and 676 of the Revised Codes of Montana of 1921, these sections now being what was initiative measure entitled “A bill to propose by initiative petition a law to provide for the expression by the people of the State of Montana of their preference of party candidates for President and Vice-President of the United States, the election of delegates to presidential conventions and the nomination of presidential electors by direct vote,” initiated and passed by the people of

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the State of Montana, at the General Election of 1912, be and the same hereby are repealed.

Section 2. There shall be a referendum upon this Act, and the Secretary of State is hereby required and it is made his duty to submit this measure, in accordance with Article V, Section 1, of the Constitution of the State of Montana, to the people of the State for their approval or rejection at the General Election to be held in November, 1924. Separate ballots shall be used at such election which shall have printed thereon the title of this Act, and below the same shall be printed the words:

☐

FOR Repeal of the Presidential Primary Law.

☐

AGAINST Repeal of the Presidential Primary Law.

Each elector shall designate his preference by marking an X in the square before the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be counted, returned and canvassed, and the result shall be determined and declared in the manner provided by the general election laws of the State.

Section 3. This Act shall be in full force and effect, if the same shall be approved at such election by a majority of those voting thereon, upon the issuance and publishing of the Governor's proclamation, as provided by law.

Approved: *

The above Chapter was ratified by the people at the General Election held November 4, 1924, and became a law by virtue of the Governor's Proclamation December 9, 1924.

The vote:

For	77,948
Against	57,450

*Note: This act does not appear in the session laws of 1923 account of veto by the Governor which veto subsequently proved erroneous.

PROPOSED PETITION FOR INITIATIVE NO. 28.

"A Bill to Enact by the Initiative a Law Providing for Licenses for Revenue Purposes, Requiring All Persons, Individuals, Firms, Co-Partnerships, Associations, Joint Stock Companies, Common-

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Law Companies, Business Trusts, Syndicates and Corporations, Engaging in or Carrying on the Business of Working or Operating Any Mine, or Mining Property in the State of Montana, from Which Gold, Silver, Copper, Lead, or Any Other Metal or Metals or Precious or Semi-Precious Gems or Stones of Any Kind Shall Be Mined, Extracted or Produced, to Pay to the State Treasurer an Annual License Tax for Engaging in and Carrying on Such Business in This State; Fixing the Amount of Such License Tax, Providing a Method for the Assessment and Collection Thereof and the Disposition of the Proceeds of Such License Tax; Prescribing Penalties for Violations of the Provisions of This Act, and Repealing with Certain Reservations, Sections 2344 to 2355, Both Inclusive of the Revised Codes of Montana of 1921."

Be It Enacted by the People of Montana:

Section 1. "Person Defined." The term "Person," as used in this act shall mean and include any individual, firm, co-partnership, association, joint stock company, common law company, business trust, syndicate, and corporation.

Section 2. License Tax. Every person who engages in or carries on the business of working or operating any mine or mining property in the State of Montana from which gold, silver, copper, lead or any other metal or metals, or precious or semi-precious gems or stones of any kind shall be mined, extracted or produced, whether such person shall carry on such business or engage in such work or operations as owner, lessee, trustee, possessor, receiver, or in any other capacity, must for the year 1925, and each year thereafter, when engaged in or carrying on such business, work or operations, pay to the State Treasurer, for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business, work or operation in this State, and shall pay to such State Treasurer for such annual license the taxes hereinafter prescribed, provided, however, that nothing contained in this act shall be construed as requiring laborers or employees hired or employed by any person to mine or to work in or about any mine or mining business or property, to procure such license or to pay such license taxes, nor shall any discovery work required to be done in prospecting for or locating any mining claims, or any annual assessment work, or work required in the obtaining of title to mining property from the United States, or required by the laws of the United States or of this State in order to hold possessory title to any mining claims, be deemed the engaging in or carrying on of the business of working or operating any such mine or mining property.

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Section 3. Gross Value of Product, How Determined: The total "Gross Value of Product" as used in this Act, shall mean the market value of all merchantable metals, precious and semi-precious gems and stones extracted or produced, each year from any mine or mining property in the State of Montana or recovered from the smelting, milling, reduction, or treatment in any manner of ores extracted from any such mine or mining property or from tailings resulting from the smelting, reduction or treatment of any such ores. That whenever the ores require smelting, reduction, or treatment to ascertain the metal contents of such ores, the gross value of the product thereof shall be determined by taking the market value of all merchantable metals or mineral products extracted or recovered thereby, as shown by the gross smelter returns of such metals or mineral product in dollars and cents, without any deductions for costs of smelting, reduction or treatment, or otherwise, based upon the average quotations of the price of such metals, or mineral products, in the City of New York, as evidenced by some established authority or market report, such as the Engineering and Mining Journal of New York City, or other standard publications, giving the market reports during the calendar year immediately preceding. Should there be no quotation covering any particular product, then the State Board of Equalization shall fix the value of such gross product, or such portion thereof, in such a manner as may seem equitable.

Section 4. Amount of Tax. The annual License Tax to be paid by such person engaged in or carrying on the business of working or operating any mine or mining property in this state from which gold, silver, copper, lead or any other metal or metals, precious or semi-precious gems or stones are produced, shall be one dollar, together with an additional sum or amount equal to an amount computed on the gross value of product which may have been derived by such person from such business, work or operation within this State during the calendar year immediately preceding, at the following rates:— $\frac{1}{4}$ of 1% of the amount by which such gross value of products exceeds \$100,000.00 and does not exceed \$250,000.00; $\frac{1}{2}$ of 1% of the amount by which such gross value of product exceeds \$250,000.00 and does not exceed \$400,000.00; $\frac{3}{4}$ of 1% of the amount by which the gross value of product exceeds \$400,000.00 and does not exceed \$500,000.00 and 1% of the amount by which the gross value of product exceeds \$500,000.00.

Section 5. Computation of Gross Value of Product. Every person engaged in or carrying on the business of working or operating any mine or mining property in this state from which gold,

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silver, copper, lead or any other metal or metals, precious or semi-precious gems or stones are produced, must, not later than the fifteenth day of April, in such year when engaged in or carrying on any such business, work or operation, make out a statement of the gross value of product from all mines and mining properties worked or operated by such person during the calendar year immediately preceding. Such statement shall be in the form prescribed by the State Board of Equalization, and must be verified by the oath of such person, or the manager, superintendent, agent, president or vice-president of the corporation, joint stock or other company or syndicate and must be delivered to the State Board of Equalization not later than the fifteenth day of April. Such statement shall show the following:

1. The name and address of the owner or lessee of the mine or mining property.
2. The description and location of the mine or mining property.
3. The number of tons of ore or other mineral products or deposits extracted from the mine or mining property during the period covered by the statement.
4. The name and location of the smelter, mill or reduction works to which such ore has been shipped or sold during the period covered by the statement and such other information as the State Board of Equalization may require.
5. The gross yield of such ores, mineral products or deposits in constituents of commercial value, that is to say, the number of ounces of gold or silver, pounds of copper, lead or zinc, or other commercially valuable constituents of said ores or mineral products or deposits, measured by standard units of measurement during the period covered by the statement.
6. The gross value of product in dollars and cents.

Section 6. Computation and Notice of Tax. The State Board of Equalization shall examine each such statement and return filed and determine and ascertain therefrom, and compute and assess the amount of the license tax to be paid by the person making and filing the same, and shall, not later than the first day of June, certify to the State Treasurer the name of each person subject to the payment of license taxes under the provisions of this Act, the amount thereof to be paid by such person. The said Board shall at the same time mail to each person making and filing such statement and return, a written notice of the amount of the license tax to be paid by each, respectively, that the same is due and payable to the State Treasurer, and that it will become delinquent at five

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o'clock p. m. on the thirtieth day of November, immediately following, and that if the same becomes delinquent a penalty of ten per centum will be added thereto, and that the whole amount of such license tax, with penalty added, will bear interest at the rate of twelve per centum per annum from the date the same becomes delinquent until paid. If any such person, has sold or otherwise disposed of any of its mine's products at a price substantially below the true market price of such product at the time and place of such sale or disposal, then the State Board of Equalization shall compute the gross value of such portion of said mine's product, so sold or disposed of substantially below the market price as aforesaid, which gross value shall be based upon the quotations of the price of such mine's product in New York City, at the time such portion of the product was so sold or otherwise disposed of as evidenced by some established authority or market report, such as the Engineering and Mining Journal, of New York, or some other standard publication, giving the market reports for the year covered by such statement. Should there be no quotation covering any particular product, then the State Board of Equalization shall fix the value of such gross product, or such portion thereof, as shall have been sold or otherwise disposed of at a price substantially below the true market price at the time and place of such sale or disposal in such a manner as may seem to be equitable.

Section 7. Delinquent Taxes—Penalty. All license taxes assessed under the provisions of this Act shall become delinquent if not paid by five o'clock p. m., on the thirtieth day of November following the date when the same are assessed and certified to the State Treasurer, and as the same become delinquent a penalty of ten per centum shall be added thereto, and the whole amount of said license tax, with penalty added, shall bear interest at the rate of twelve per centum per annum from the date of becoming delinquent until paid.

Section 8. Penalty for Failure to File Statement. If any person shall fail, refuse or neglect to make and file such statement and return within the time prescribed, the State Board of Equalization, shall, immediately after such time has expired, ascertain and determine as nearly as may be possible from any returns or reports filed with any state or county officer or board under any law of this State, and from any other information which the Board may be able to obtain, the total gross value of product of such person from such business during the calendar year immediately preceding the year in which the license tax is to be paid, and license issued, and shall make and file a statement showing the amount of such gross value of product and shall ascertain and

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determine and compute and assess the amount of the license taxes due from, and to be paid by such person, and shall immediately certify the same to the State Treasurer, and give notice to such person in the same manner as though such statement had been filed within time, and the State shall proceed to collect such license tax, adding thereto and collecting therewith, if the same is delinquent, the same penalty and interest as provided for herein for other delinquencies.

Section 9. Production of Evidence. Should the State Board of Equalization have reason to believe that any statement and return is false, or erroneous in any particular, it may require the person, or if made by a corporation, association or company, the officers thereof, and the employees of any such person, corporation, association or company, to appear before the Board and testify concerning the same and any statement contained therein, and may examine all books, records, papers and documents of such person pertaining to such business, upon giving five days' written notice to such persons, or officers or employees thereof having custody of such books, records, papers and documents, and any person failing, refusing or neglecting to so appear, or refusing to be sworn or to testify, or refusing to answer any material question propounded by the Board or any of its members, or refusing to permit the Board, or its members, employees or accountants to examine such books, records, papers or documents, or any thereof, pertaining to such business, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. If the Board, after hearing such evidence and after such examination of the books, papers, documents and records of such person, shall find and determine that such statement and return is erroneous or false in any material matter, the Board shall change and correct the same so as to show the true gross value of product and shall re-assess the amount of the license tax due from such person, and may add thereto a penalty of not exceeding fifty per centum, and shall thereupon immediately certify the amount of such license tax with the penalty added thereto to the State Treasurer, and shall at the same time mail to such person a written notice of the corrections and changes made in such statement and return and the amount of the license tax and penalty certified to the State Treasurer. The State Treasurer shall collect such license tax with penalty added, and if the same has become delinquent he shall also collect interest thereon from the date of delinquency until paid at the rate of twelve per centum per annum. Provided further, that in order to verify such state-

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ment and return the State Board of Equalization may require any person, corporation, association, or company engaged in the business of smelting, milling, reduction or treatment in any manner of ores extracted or produced from any mine or mining property in the State of Montana to appear before the Board and testify concerning the gross mineral content of any such ore, or at the request of said Board to furnish sworn statements showing the gross yield of such ores, mineral products or deposits in constituents of commercial value, that is to say, the number of ounces of gold, silver, pounds of copper, lead or zinc, or other commercially valuable constituents of said ores or mineral products or deposits, measured by standard units of measurement during the period covered by such statement, without any deductions whatsoever for smelting, milling, reduction or treatment of such ores or mineral product. The books, records, papers and documents of such person, corporation, association or company engaged in the business of smelting, milling, reduction or treatment in any manner of ores extracted or produced by any mine or mining property in the State of Montana shall be open to inspection and examination by the said State Board of Equalization, or its members, employees, or accountants at any time or place, that said board may designate. If any person required by this act to make or file any statement, or to verify, under oath any statement, shall make such statement false in any material respect, or shall verify, under oath, any statement false in any respect or shall fail, neglect or refuse to file any statement required by said State Board of Equalization or shall refuse to appear before the Board to testify concerning the gross mineral content of any such ore, or shall refuse to allow the Board, its members, employees or accountants at any time or place to inspect or examine the books, records, papers and documents of such person, corporation, association or company engaged in the business of smelting, milling, reduction or treatment in any manner of ores extracted or produced by any mine or mining property in the State of Montana, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding one thousand dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

Section 10. Rehearing on Determination of License Tax. Every person whose license tax has been determined and assessed by the State Board of Equalization under any of the provisions of this Act, who shall feel aggrieved by the determination and assessment of the Board as to the amount of gross value of product, or as to the amount of the license tax, may, at any time within ten days after the date of notice thereof, required to be given to such person, file with the Board a petition for a rehearing in which

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petition must be stated and set forth particularly and specifically the grounds and reasons therefor, and the manner in which the amount of the gross value of product or the amount of the license tax, or both, should be changed or corrected. Upon the filing of such petition, if it appears to the satisfaction of the Board therefrom that the Board has erred in any manner in ascertaining and determining the amount of the gross value of product, or the amount of the license tax, or both, the Board shall immediately correct such error, or errors, and if such correction shall be in conformity with the request contained in the petition for a rehearing the Board shall take no further steps in connection with such petition, other than to certify to the State Treasurer the amount of the license tax due from such person after the making of such correction, and notifying such person thereof. If, from such examination, it does not appear to the satisfaction of the Board that it has erred in any manner the Board shall grant such rehearing, fix a day when the Board will take up and hear such matter, and give notice to such person of such date of hearing as the Board may deem reasonable. On such hearing such person, any taxpayer interested, and the Board may introduce witnesses and take testimony on any material matters connected with such return and license tax, and after considering such evidence the Board shall fix and determine the gross value of product, and reassess the amount of the license tax to be paid by such person, and giving notice thereof in the manner required by Section 6 of this Act.

Section 11. Lien of Tax. The License Tax assessed against any person under this Act, together with all penalties and interest thereon, shall be a lien upon any and all property owned by such person within this State and used by such person in connection with such business, which lien shall attach to such property on the date when the license tax is certified to the State Treasurer by the State Board of Equalization and such lien may be enforced in the name of the State of Montana, in the same manner as other liens are enforced at law.

Section 12. Disposal of Proceeds of Tax. 50% of all license taxes, penalties and interest collected by the State Treasurer under the provisions of this Act shall be by him paid into and deposited to the credit of the general fund of the State, and 50% shall be deposited to the credit of the Common School Interest and Income Fund, and whenever any license tax is paid under the provisions of this Act the State Treasurer shall issue to the person paying the same a license authorizing such person to engage in and carry on such business until the first day of January immediately fol-

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lowing the year for which such license tax is paid and such license issued.

Section 13. Commencing Business. If any person shall, after the first day of January of any year, engage in or commence the carrying on of the business of working or operating a mine or mining property in this state, from which any merchantable metal, precious, and semi-precious gems and stones are extracted and produced, such person, must, within sixty days after so engaging in or commencing to carry on such business, notify both the State Board of Equalization and the State Treasurer of such fact.

Section 14. The license taxes herein provided for shall be in addition to all other taxes, licenses, and other fees, now required to be paid by persons subject to the provisions of this Act.

Section 15. The license tax for the year 1925 shall be based and computed on the gross value of product for the calendar year 1924.

Section 16. Unconstitutionality or Invalidity. If any clause, sentence, paragraph or part of this act shall for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered. No caption or any section or set of sections shall in any way affect the interpretation of this act, or of any part thereof.

Section 17. Sections 2344 to 2355, both inclusive of the Revised Codes of Montana, 1921, are hereby repealed, provided, however, that no person shall be relieved from the payment of any license tax, which may have been computed, levied, imposed or assessed, and which is due or shall become due under the provisions of said sections, or of any penalty or interest thereon, but all such license taxes, penalties and interest shall be paid and collected as though said sections were not repealed by this Act.

Section 18. This Act shall be in full force and effect from and after its approval and proclamation as provided by law.

The above Chapter was passed by vote of the people at the General Election held November 4, 1924, and became a law by virtue of the Governor's proclamation on December 9, 1924.

The vote:

For	87,790
Against	65,742

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Note: The following proposed Constitutional Amendment was rejected by popular vote at the General Election held November 4, 1924, the vote being as indicated.

CHAPTER 137.

Laws of 1923.

“An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to the Constitution of the State of Montana by Adding Thereto an Article to Be Known as Article XXII, Providing for the Payment of Adjusted Compensation to Bona Fide Residents of the State of Montana Who Served on Active Duty in the Army, Navy or Marine Corps of the United States in the World War and to Such of Said Persons Who Being Citizens of the United States Served in the Naval, Military or Air Forces of Any of the Governments Associated with the United States During Said War, and Authorizing the Incurring of an Indebtedness; Authorizing the Issuing of Bonds; Providing for the Levy of a Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1924.

Section 2. That the Constitution of the State of Montana be and the same is hereby amended by adding thereto an article to be known as Article XXII, and to read as follows:

“Article XXII, Section 1. In order to promote the spirit of patriotism and loyalty, in testimony of the gratitude of the State of Montana, and in recognition of the splendid services of Montana men in the war between the United States and the German Empire and its allies, there shall be paid to each person who was regularly called, enlisted, drafted, inducted or commissioned and who served on active duty in the Army, Navy or Marine Corps of the United States between the sixth day of April, Nineteen Hundred and Seventeen and the Eleventh Day of November, Nineteen Hundred Eighteen for a period longer than two months; and to each person who, being a citizen of the United States at the time of entry therein, served on active duty in the naval, military or air forces of any of the governments associated with the United States during the war with the central allied powers between the sixth day of April, Nineteen Hundred Seventeen and the eleventh day of November, Nineteen Hundred Eighteen, for a period longer than two months; and at the time of his call, enlistment, induc-

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tion, commission or service, was a bonafide resident of the State of Montana, the sum of Ten Dollars (\$10.00) for each month or major fraction thereof that such person was in active service during said war, whether before or after November 11, 1918, not to exceed, however, a total sum of Two Hundred Dollars (\$200.00); provided, that persons who have received extra compensation from any other state, or nation other than the United States for such active service shall not be entitled to compensation under this Article unless the amount of compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation allowable under this Article and the extra compensation already received from such other state or nation, provided, further, that persons who have received greater compensation than the regular pay of the Army, Navy, or Marine Corps and commutation for quarters and subsistence, shall not be entitled to receive compensation under this article unless the amount of the extra compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation allowable under this article and such extra compensation. In case of the death of any such person while in such service an equal amount shall be paid to his surviving widow, if not remarried the time compensation is requested, or in case he left no widow and left children, then to his surviving children, or in the event he left no widow or children, then to his surviving parent or parents. Persons of the female sex, or their surviving children or parents, who are in all other respects within the terms of this Article, shall be entitled to compensation thereunder.

“Section 2. The word ‘person’ as used in Section 1 of this Article, shall not include persons who, during the period of their service, refused on conscientious, political or other grounds, to subject themselves to full military discipline or unqualified service, or who while in such service, were separated therefrom under circumstances amounting to a dishonorable discharge and who have not subsequently been officially restored to an honorable status, and such person shall not be entitled to the benefits of this Article.

“Section 3. All disbursements required by this Article for compensation shall be made upon the presentation of a certificate upon a form to be prescribed by the State Auditor, which certificate shall be duly verified by the claimant under oath and shall set forth the name, residence at the time of entry into the service, date of enlistment, induction or commission, date of discharge or release from active service, if the claimant is not on active duty, a statement that the claimant during the period for which com-

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compensation is allowed did not refuse to subject himself to full military discipline and unqualified service and that he has not been separated from the service under circumstances amounting to a dishonorable discharge, and such further information as the State Auditor may require. Such certificate shall be presented to the State Auditor or his representative together with an honorable discharge or release from active service, or in case of its loss a properly authenticated record of service, or in the event that claimant is still in the service a properly authenticated record of all active service performed by claimant, or if the same be presented by the widow, child or parents of a deceased veteran, then with the proper evidence of death, together with a properly authenticated record of service, and the State Auditor shall endorse upon such discharge, release or record of active service the fact that it was made the basis of the application, and shall return such discharge or release or record of active service to the claimant and shall forthwith draw his warrant in the name of the claimant upon the Veteran's Compensation Fund for an amount equal to Ten Dollars (\$10.00) for each and every month of active service, or major fraction thereof, subsequent to the sixth day of April, Nineteen Hundred Seventeen, not exceeding however a total of Two Hundred Dollars (\$200.00), and the State Treasurer shall pay such warrants from the Veterans' Compensation Fund.

In cases where application for compensation is made by the widow, children or parents of a deceased veteran, such person shall furnish the same information as though the application were made by the deceased veteran, and the State Auditor shall prepare an appropriate form of certificate to cover such cases. Compensation allowed to the children of deceased veterans shall be paid to the guardians of such children, which guardian if appointed by the courts of this state, shall serve without compensation and in the discretion of the court without bond, and it shall be the duty of every county attorney in this state to appear in the courts or render any other necessary legal assistance in behalf of such children in so far as the provisions of this Article are concerned, without compensation and no public officer shall collect any fees in any proceeding brought in behalf of such children to secure compensation under this Article.

The State Auditor is empowered to make such additional reasonable requirements from applicants as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

"Section 4. The State Auditor shall furnish free of charge, upon application therefor, the necessary form of certificate to all per-

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sons entitled thereto, and may establish at different points within the State of Montana offices at which there shall be kept on file for the use of persons covered by this Article a sufficient number of forms of certificates so that there may be no delay in the payment of this compensation. The State Auditor may authorize the county auditor, or county clerk, or both, of any county of the state to act for him in receiving applications under the provisions of this Article, and shall furnish such person with the proper certificates to enable him to accept such application. The State Auditor is hereby authorized and directed to procure such printing and office supplies and equipment, and to employ such persons as may be necessary in order to properly carry out the provisions of this Article, and all expenses incurred by him in the administration of this Article be paid by warrants drawn upon the Veterans' Compensation Fund.

The Adjutant General shall advise with and assist the State Auditor in the performance of the duties of the Auditor under this Article.

"Section 5. For the purpose of providing means for the payment of compensation hereunder and for paying the expenses of administration, the State Board of Examiners of the State of Montana is hereby authorized, empowered and directed to issue, from time to time, as may be required for the purpose of this Article, bonds of, and in the name of, the State of Montana, to and in the amount of the sum of Four Million Five Hundred Thousand Dollars (\$4,500,000.00) in excess of the constitutional limitation of indebtedness of the State of Montana, and over and above any bonded indebtedness of said state heretofore created or incurred for which said state is now obligated. The bonds provided for in this Article shall be issued in denomination of One Thousand Dollars (\$1,000.00) each, and shall bear interest at a rate not exceeding five and one-half per cent ($5\frac{1}{2}\%$) per annum, payable semi-annually on the first days of January and July of each year at the office of the State Treasurer of the State of Montana, or at some bank in a city outside of the State of Montana designated by the State Treasurer; such bonds shall be dated on the first day of January or the first day of July and shall become due and payable twenty (20) years from their date and be redeemable at the option of the State Board of Examiners at any time after ten (10) years from their date at any interest paying period. The bonds herein referred to shall be in such form as may be prescribed by the Attorney General and approved by the State Board of Examiners, and shall be signed by the members of said board and issued under the great seal of the State of Montana, and shall be registered in the office of the State Treasurer. Said bonds shall

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have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all the members of the State Board of Examiners, and the signing of said coupons with said facsimile signature shall be recognized as sufficient execution of said coupons on behalf of the State of Montana.

The bonds provided for in this Article shall be disposed of by the State Board of Examiners in such manner as they shall deem for the best interests of the State in carrying out the provisions of this Article; provided, that no bond shall be disposed of for less than its par value.

Bonds issued under the provisions of this Article shall be a legal investment for any of the funds of the State.

Section 6. The money arising from the sale of each issue of bonds shall be deposited in the State Treasury to the credit of a special fund to be known as the "Veteran's Compensation Fund" which shall be used for the payment of the compensation provided in this Article and for paying the expenses of administration thereof. For the purpose of carrying out the provisions of this Article there is hereby appropriated from the Veterans' Compensation Fund the sum of Four Million Five Hundred Thousand Dollars (\$4,500,000.00) or so much thereof as may be necessary.

"Section 7. All payments or allowances made under this Article shall be exempt from all taxation and from levy and sale on execution.

"Section 8. That there shall be levied annually a tax not exceeding one mill on the dollar on all property in the State of Montana, subject to taxation, which said tax when collected by the County Treasurers of the counties of the State of Montana shall be by them accounted for and paid into the State Treasury of the State of Montana and to be by the State Treasurer placed in and credited to a fund to be known as the "Veterans' Compensation Bond Retirement Fund" and which fund shall be used exclusively for the payment of the principal and interest accruing on said bonds.

"Section 9. No charge made by any agent, notary public or attorney for a service in connection with obtaining the allowance as provided for by this Article shall be recognized by the state and any person who for a consideration discounts or attempts to discount, or for a consideration advances money upon any certificate or certificates issued pursuant to the terms of this Article shall be guilty of a gross misdemeanor.

"Section 10. Any person, who with intent to defraud, subscribes.

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to any false oath or makes any false representation, either in the execution of the certificates provided for by this Article or who with intent to defraud, presents to the State Auditor, or to any other officer of the state, any certificate for the purpose of obtaining funds provided for by this Article which do not in fact belong to such person, or makes any false representation in connection with obtaining any funds under the terms of this Act, shall be guilty of a felony.

“Section 11. The legislature may provide additional means for raising moneys for the payment of the interest and principal of said bonds and this Act shall not be deemed to provide an exclusive method for such payment.

Section 3. That separate official ballots be provided at the general election to be held in November, 1924, which shall have printed thereon the words

For the amendment to the Constitution relating to the payment of adjusted compensation to bona fide residents of the State of Montana who served on active duty in the Army, Navy, or Marine Corps of the United States in the world war, and to such of said persons who, being citizens of the United States, served in the Naval, Military or Air forces of any of the governments associated with the United States during said war; authorizing the incurring of an indebtedness; authorizing the issuing of bonds in an amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00), and providing for the levy of a tax.

Against the amendment to the Constitution relating to the payment of adjusted compensation to bona fide residents of the State of Montana who served on active duty in the Army, Navy, Marine Corps of the United States in the world war, and to such said persons who, being citizens of the United States, served in the Naval, Military or Air forces of any of the governments associated with the United States during said war; authorizing the incurring of an indebtedness; authorizing the issuing of bonds in an amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00), and providing for the levy of a tax.

Each elector shall designate his preference by marking an “X” before the proposition for which said elector desires to vote.

Section 4. That the votes cast for and against the amendment above proposed shall be canvassed and determined as provided by the general election laws of the State of Montana.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 6. This Act shall take effect upon its passage and approval.

Approved March 8, 1923.

The vote:

For	66,245
Against	67,814

PETROLEUM COUNTY

The following resolution relating to the creation of Petroleum County, Montana, was filed in the office of the Secretary of State at 11:30 A. M. November 24, 1924, and is printed herein in accordance with the provisions of Section 143, Revised Codes of Montana, 1921.

By virtue of the filing of this resolution, Petroleum County becomes effective on February 22nd, 1925.

Resolution Establishing Petroleum County.

At a regular meeting of the Board of County Commissioners of Fergus County, Montana, held on the 20th day of November, 1924, being an adjourned session of the regular November meeting of said board, and at which time said board also sat as a board of canvassers for the election hereinafter mentioned, the following commissioners were present: George F. Wright, Chairman; Oscar Anderson and John Quickenden, being all of the members of said board, all of whom were present, throughout the entire meeting.

At the said meeting, on motion duly made, seconded and carried, the following resolution was adopted:

“WHEREAS, on the 4th day of November, 1924, pursuant to proceedings previously had and proclamation and notice duly given, a special election was held in certain territory hereinafter described in Fergus County, Montana, for the purpose of determining whether said territory shall be established and organized into a new county, to be known as ‘Petroleum County’, and for the further purpose of election of officers and location of a county seat therefor; and this board has heretofore canvassed the returns of said election:

“AND, WHEREAS, it appears from such canvass that a total of 1128 votes were cast at said election; and that of said total 892 votes, being more than 58% of votes cast, were cast in favor of ‘For the new County of Petroleum, Yes’;

“AND, WHEREAS, the City of Winnett, located within said territory, received the highest number of votes cast for the location of a county seat for said new county;

“AND, WHEREAS, the persons hereinafter named received respectively the highest number of votes for the several offices hereinafter named:

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State Senator	Guy Schellenger
Member State House of Representatives.....	R. J. Woods
County Commissioner, six year term.....	J. W. Beck
County Commissioner, four year term.....	Robert P. Hays
County Commissioner, two year term.....	George A. Burr
County Clerk and Recorder	Ella V. Milsap
County Sheriff	Perry Baker
County Treasurer	W. F. Kindt
County Assessor	K. E. Park
Clerk of District Court	Ida S. Rigg
County Superintendent of Schools.....	Amanda Swift
County Attorney	Nick Langhausen
County Surveyor	Edward J. Parkinson
County Public Administrator	John Sinclair
County Coroner	J. L. Alexander

“AND, WHEREAS, the said new county will be a county of the sixth class.

NOW, THEREFORE, BE IT RESOLVED that the territory within the boundaries described as follows, to wit:

Beginning at a point at the middle of the main channel of the Missouri River opposite the middle of the main channel of the Musselshell River, running thence up the middle of the main channel of the Musselshell River to its intersection with the township line between Townships 11 and 12 North; thence West along said township line to the range line between ranges 24 and 25 East, which is the Southwest corner of Township 12 North of Range 25 East of the Montana Principal Meridian; thence North to the Northwest corner of said Township; thence East to the Southwest corner of Township 13 North of Range 25 East of the Montana Principal Meridian; thence North to the Southeast corner of Township 16 North of Range 24 East, Montana Principal Meridian; thence West to the Southwest corner of said township and range; thence North to the Northwest corner of said Township and Range; thence East to the Southwest corner of Township 17 North of Range 24 East; thence North to the Northwest corner of said township and range; thence East to the Southwest corner of Township 18 North of Range 25 East; thence North approximately 2½ miles to the quarter corner on the West side of Section 19 in Township 18 North of Range 25 East; thence East along the median line a distance of approximately twelve miles to the quarter corner on the East line of Section 24 in Township 18 North of Range 26 East; thence North approximately one-half mile to the Southwest corner of Section 18 in Township 18 North of Range 27 East; thence East to the Southeast corner of said Section in said Town-

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ship and Range approximately one mile; thence North approximately 15 miles to the Northeast corner of Section 6 in Township 20 North of Range 27 East; thence along the township line between Townships 20 and 21 North to the Southwest corner of Township 21 North of Range 27 East; thence North along the range line between ranges 26 and 27 East to the intersection of said range line with the middle of the main channel of the Missouri River; thence down stream along the middle of the main channel of the Missouri River to the place of beginning;

is hereby declared to be duly formed, and created as a county of the State of Montana, of the sixth class, under the name of PETROLEUM COUNTY.

“BE IT FURTHER RESOLVED, that the City of Winnett, located within said new County, is hereby declared to be the county seat thereof, until changed or removed in the manner provided by law.

“BE IT FURTHER RESOLVED, that the following persons are hereby declared to be elected respectively to the several offices of and for said new county, as follows:

State Senator	Guy Schellenger
Member State House of Representatives	R. J. Woods
County Commissioner, six year term	J. W. Beck
County Commissioner, four year term	Robert P. Hays
County Commissioner, two year term	George A. Burr
County Clerk and Recorder	Ella V. Milsap
County Sheriff	Perry Baker
County Treasurer	W. F. Kindt
County Assessor	K. E. Park
Clerk of District Court	Ida S. Rigg
County Superintendent of Schools	Amanda Swift
County Attorney	Nick Langhausen
County Surveyor	Edward J. Parkinson
County Public Administrator	John Sinclair
County Coroner	J. L. Alexander

“AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed in the office of the Secretary of State of the State of Montana as provided by law.”

IN WITNESS WHEREOF, the Board of County Commissioners of Fergus County, Montana, has caused these presents to be ex-

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ecuted by its Chairman and attested by the seal of said County,
this 20th day of November, A. D., 1924.

(SEAL) BOARD OF COUNTY COMMISSIONERS
OF FERGUS COUNTY, MONTANA.

By George F. Wright, Chairman.

ATTEST:

James L. Martin,
Clerk and Recorder.

Filed Nov. 24, 1924 at 11:30 o'clock A. M.

C. T. Stewart,
Secretary of State.

By Clifford L. Walker, Deputy.

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